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# THE SOLICITORS' JOURNAL.

*LONDON, MAY 30, 1857.*

## THE JOINT-STOCK COMPANIES BILL.

The Bill which has been introduced by the Attorney-General nominally for the amendment of the Winding-up Acts, but mainly for the purpose of legalising the intended compromise in the case of the Royal British Bank, was read a second time without opposition on Thursday evening. The Attorney-General professed his readiness to consider any amendments which might be suggested in committee, and as very considerable alterations will be needed to make the measure at all satisfactory as a piece of permanent legislation, it is to be hoped that the Bill will not be hurried through its stages without full consideration.

The mischief to be remedied is notorious enough; and probably there is not a member in the House, or a lawyer out of it, who would say that the law ought to remain in its present anomalous condition. It has been denounced in the strongest terms from the bench, and popular feeling has approved the outcry against the slovenly and disgraceful legislation which has been the means of preventing a satisfactory settlement of the demands of the creditors of the swindling bank.

The existing law may be very shortly summed up: The shareholders in a joint-stock bank are individually liable to make good every farthing of the debts of the concern. By the Joint-Stock Companies Act, every creditor is entitled to take proceedings, under which he can issue execution for the full amount of his debt, against any one of the shareholders. Under the Winding-up Acts, the shareholders may get their liabilities relieved by the application of the corporate assets to the debts of the concern so far as they may suffice for the purpose, and may have the remaining deficit supplied by means of rateable calls upon the various members. At one time the Courts of law seemed to consider that the pendency of winding-up proceedings was a sufficient reason for withholding their assent to executions against individual shareholders. Unfortunately, though no doubt correctly in point of law, they have now adopted the practice of permitting executions to be levied notwithstanding that the official manager may be in course of getting in contributions, with every prospect of being able to provide 20*s.* in the pound. The consequence of this, in the case of the Royal British Bank, together with the litigation which arose out of the bankruptcy, has been, that shareholders have been put to flight, and that the excessive eagerness with which some creditors have pressed on their remedies has rendered it rather problematical whether the official manager will be able to raise a sufficient sum by calls to pay off the whole liabilities. The law has thus worked ruin to the shareholders who have remained to face their liability, and has, at the same time, seriously diminished, if not altogether destroyed, the prospect which the creditors would otherwise have had of obtaining full satisfaction, through the medium of the Winding-up Acts.

This is the first evil which the Legislature has to repair, and to which the bill of the Attorney-General is directed. The proposal is, that representatives of creditors shall be elected in the winding-up proceedings, or that that function shall be performed by the assignees in cases where there may have been a previous adjudication of bankruptcy. Very extensive powers of binding all parties to a compromise are to be conferred upon them, and no execution is thereafter to issue against individual shareholders without the leave of the court which has the conduct of the liquidation. This arrangement seems to lean as unfairly towards the side of the debtors as the existing law does in the other direction, and the result would generally be, that the creditors, being deprived of their compulsory power, would be compelled to submit to a compromise, even in cases where the shareholders were well able to pay in full. If the members of a defaulting company which has commenced business on the principle of unlimited liability are to be relieved from the pressure of individual executions, some provision should be introduced either requiring them to give ample security for the payment of calls in the winding-up, or, in default, rendering all dispositions of their property fraudulent and void as against the official manager. There ought also to be a clause, as suggested by Mr. Malins, to enable creditors to arrest any shareholder who may be about to abscond, and also summary powers to prevent a fraudulent removal of property. It is right enough to relieve the debtors from the harassing process which the law now allows; but at the same time care should be taken that their property may be forthcoming, so far as necessary, for the purpose of meeting the calls which may be assessed on each particular contributory. The bill as it stands does not provide this security, and we hope that the point will not be neglected in committee.

A more serious mischief is the conflict of jurisdiction between the Courts of Chancery and Bankruptcy, which the Government Bill leaves without a remedy. Until last year it was generally supposed that the Winding-up Acts had by implication repealed the statute under which a company might be declared bankrupt. At any rate that Act had remained a dead letter until it was unluckily revived in the case of the Royal British Bank. The effect has been to squander £17,000 in establishing the privilege of the Court of Bankruptcy to distribute the assets which would otherwise have been divided by the official manager. At the same time it is found necessary to continue the winding-up proceedings, for the sake of raising the contributions which the Court of Bankruptcy has no power to levy. In many winding-up cases which occurred before that of the British Bank, as, for example, in Mr. Boyd's Australian bubble, enormous sums were raised in liquidation, which certainly never would have been got in if the struggle between the Courts had occurred in those cases, and there is every reason to believe, that, had the matter been allowed to go on in the ordinary course, the depositors in the Royal British Bank would have recovered 20*s.* in the pound. It is obvious, indeed, that the whole liquidation ought to be in the hands of one Court. There is no earthly reason why an official assignee should distribute the assets of the corporation, while an official manager has the task of dividing the amount which may be raised by calls. The extent of the calls must depend on what the assets may realise; and it is clear that nothing but cost and confusion can arise from the intervention of rival jurisdictions in the liquidation of the same estate. It is clearly, therefore, the duty of the legislature to prevent such conflicts in future, and the only remaining question is which Court should be employed. The main objection to the winding-up procedure is, that it gives the creditors no voice in the matter, and that the official manager may be as dilatory as he pleases. The remedy for this is to associate with him a representative of the creditors, and this is one of the provisions of the Government Bill.

The objections to the bankruptcy jurisdiction are more serious. The delicate business of settling lists of contributories and enforcing calls, is one for which the Court at Basinghall Street has not the requisite machinery, and which is altogether foreign to its ordinary business. If it is the better Court for the purpose, by all means let the whole jurisdiction of the Chancellor be transferred to it; but we can see no excuse for allowing the two Courts to run races for the possession of an estate after the unseemly fashion exhibited in the recent struggle. The Attorney-General's Bill, however, leaves this absurdity untouched, only so far mitigating the evil as to make the assignees by virtue of their office the representatives of the creditors in the winding-up. This is a blot which ought not to be suffered to remain.

## ATTORNEY'S LIABILITY FOR NEGLIGENCE.

This branch of the law must always be of much interest to our readers, and at the present time has been brought into prominence by the case of Mr. Chapman, of which we spoke last week. We therefore think it a fitting opportunity to enter at some length into a consideration of the reported decisions on the subject, which—whatever be the ultimate result of the rules now coming on for argument—are well deserving of serious attention.

In order to take a comprehensive view of the legal position in which attorneys and their clients stand to each other in reference to the manner in which the former act professionally for the latter, it is necessary to separate carefully those cases in which the attorney seeks to recover from those in which the client is the plaintiff. The relationship of attorney and client may give rise to both causes of action; in both of which the law throws the burthen of proof upon the plaintiff. Hence the two distinct classes of cases to be found in the books upon this subject: the one relating to actions by attorneys on their bills of costs; the other to actions by clients to recover damages alleged to have been suffered from negligence in the conduct of their concerns.

Now, with regard to the action for costs, the rules which the *law* lays down are few and simple. In most cases, moreover, they work equitably; but there are instances in which their application has been harsh upon the attorney. The law says that an attorney who charges a client must show that he has done something for his money in his behalf of a useful description, and that if it can be shown by the plaintiff that work for the employer was in fact done, the burden of proof then becomes shifted, and the client must show the utter uselessness of what he is charged for. It is on this last point, of course, that most of the reported cases turn, and the decisions here are satisfactory. Thus, in *Templer* v. *M'Lachlan* (2 N. R. 186), it was laid down that negligence cannot be set up by the client unless it were such that he *thereby* lost all possibility of benefit from the work done. So in *Johnson* v. *Alston* (A.D. 1808, 1 Camp. 176), the defence set up was, that the client had directed his attorney to plead in abatement the non-joinder of a co-defendant, which had not been done. But Lord *Ellenborough* very properly answered, that, by the client's own confession, the plea was only for delay, and therefore he had no ground for complaint. So in *Dax* v. *Ward* (A.D. 1816, 1 Stark. 409), the defence set up was, that the plaintiff, having been employed to bring an action, sued out the writ in a name alleged by the defendant in such action to be the wrong one, who consequently pleaded in abatement; that the plaintiff as attorney replied that he was known by the name in which he was sued; and that the plaintiff himself was not present at the trial, nor was a witness he had subpœnaed to prove the replication. Here also the same judge held, that, as there were other circumstances conducing to the loss of the cause independent of the conduct of the attorney—viz. the absence of the witness—the defence set up was no answer to the action. In *Pasmore* v. *Birnie* (A.D. 1817, 2 Stark. 59), it was said in answer to an action against assignees for business done in bankruptcy, that the proceedings had been taken on an erroneous representation by the plaintiff, that an English commission extended to the Isle of Man, whither the bankrupts had absconded, leaving nothing available in this country, in consequence of which the commission had proved useless. But the same judge again held that this did not go to the root of the present claim, though it might, perhaps, be ground for a cross action. In the next case we shall notice, the law laid down by *Abbott*, C. J., was, on the whole, satisfactory; but the counsel for the plaintiff elected to be non-suited, and the case does not appear to have been tried again. This was the case of *Montriou* v. *Jeffereys* (A.D. 1828, 2 Car. & P. 113), in which the circumstances were these:—The plaintiff had been applied to by the defendant and some other persons to attend for them, the next day but one, before the magistrates—they having been summoned for non-payment of tithes, and relying on a *modus* as their defence. The plaintiff, being elsewhere engaged, instructed one K., an attorney and clerk to the magistrates, to request the postponement of the case for a few days till evidence could be procured. This he did, but the case was nevertheless proceeded with, because the lessee of the tithes refused to accede to any delay. The plaintiff then advised the defendant to appeal to the sessions, which he did; but the appeal was dismissed, on the ground that the defendant should have gone into his case at the hearing, or shown the magistrates that it was beyond their jurisdiction; and because it appeared, that, though K. informed the magistrates that a *modus* was intended to be set up, he had not previously prepared any bond or formal notice of the defence, as required by 7 & 8 Will. 3, c. 6, to be used in such cases—a statute which it was admitted had been read both by himself and the plaintiff. *Abbott*, C. J., on summing up, said, that, to sustain the defence of negligence, it must be shown that the expenses charged for had been incurred by the inadvertence of the plaintiff; and that it appeared he and his agent K. had looked into the Act, and had not complied with its provisions as to the defence of a *modus*. "No attorney," said the judge, "is bound to know all the law; God forbid that it should be imagined that an attorney, or a counsel, or even a judge, is bound to know all the law, or that an attorney is to lose his fair recompense on account of an error, being such an error as a cautious man might fall into; but if you think, in this case, the plaintiff has brought expense on the defendant by omitting to give proper information either to him or to the justices, you will find for the defendant. Again, in *Edwards* v. *Cooper*, in the same year (3 Car. & P. 277), the expenses sued for had been incurred in an arbitration, the award wherein was set aside because the attorney of one of the parties had signed the submission without the authority of his client. It was now said, as an answer to the action, that the plaintiff ought to have required to see this attorney's authority before proceeding with the reference, but the Court held that no honourable or even any cautious man could have supposed that such an objection as that above mentioned would have been taken to the award.

*Hill* v. *Featherstonhaugh* (A.D. 1831, 7 Bing. 569) was also an action on an attorney's bill. The defendant had lent money to one T. on the security of Bank Stock, and, having some suspicion as to the safety of the security, employed the plaintiff to look into the matter. The plaintiff accordingly made some inquiries, copied some deeds, and put a *distringas* on T.'s stock, for which services he now sought to recover £15. It was said that the *distringas* charged for was unnecessary and useless, one having been lodged already by the defendant himself. *Tindal*, C. J., left it to the jury to consider whether the work done was of *any use* to the defendant, and the jury having found a verdict for the defendant, the Court refused to disturb it. On the argument of the rule, *Tindal*, C. J., said, "I have always thought that if an attorney, through inadvertence or inexperience, incurs trouble which is useless to his client, he cannot make it a subject of remuneration, the meaning of which is a reward for useful labour. Thus, if a surgeon were to make his patient undergo an unnecessary operation, or a course of medicine which plainly could be of no service, he could not make it a subject of charge." "It is a proper question for the jury," said *Bosanquet*, J., "whether what has been done was necessary for the object the employer had in view."

The case of *Bracey* v. *Carter* (A.D. 1840, 12 A. & E. 373) is not, perhaps, inconsistent with the principle which, in these actions, lays the burden of proving useful work on the attorney; and yet it pushes that principle to the limit of harshness. It decides that if an attorney conducting a suit commits an act of negligence in the course of it, by which all the previous steps become useless in the result, he cannot recover for any part of the business done. On the other hand, *Bulmer* v. *Gilman* (A.D. 1842, 4 Man. & Gr. 108) establishes the equitable doctrine, that a misunderstanding as to a doubtful point of law will not deprive the attorney of his fair remuneration for his labour. "That cannot be considered as gross negligence," said *Cresswell*, J., "concerning which persons of competent

skill may entertain a doubt." The most recent case, we believe, reported upon this branch of the subject is *Long* v. *Orsi* (A.D. 1856, 18 C. B. 610). Here the plaintiffs had received from the defendants instructions to commence for them actions on certain foreign bills of exchange drawn on a firm in Paris, and (as they wrote) "now in our hands." The plaintiffs, without seeing the bills, and concluding that the defendants were entitled to sue on them as *indorsees*, commenced proceedings; but it afterwards turned out that the bills were not specially indorsed as required by the law of France; and this action was accordingly discontinued, and another instituted. It was held that the costs of the abortive proceedings could not be recovered.

If, then, the case of *Chapman* v. *Van Toll* be considered with reference to the above principle of law, and to the cases we have cited in support of it, it would seem that it differs from all of of them in this—viz. that the course taken by the attorney was not *erroneous*, but, at the very worst, *injudicious*. The proceedings taken were regular and proper, but a very recent provision gave him the option of adopting an alternative. The Common Law Procedure Act, 1854, is full of alternatives of procedure. Is an attorney bound to decide at his peril, when an application is to be made to a judge to try a cause without a jury—or when an equitable pleading is to be used, or a writ of injunction or a mandamus sued for? If so, then the profession is indeed a thorny one.

If we turn to the second class of actions, those, namely, in which the client seeks to recover from the attorney, we shall find another principle laid down in the broadest terms, and recognised over and over again in the reported cases. It is that the negligence requisite to sustain such action must be *gross*. In the words of the Court, on more than one occasion, the *ignorantia* must be *crassa*; the *culpa*, *lata*. The examination of this division of our subject must, however, be postponed to another occasion.

## Legal News.

The Lord Chancellor's two Bills have passed through Committee, and so far the prospect of carrying the long-desired reforms embodied in them appears hopeful. We believe that Lord Cranworth's speech on introducing the Testamentary Jurisdiction Bill was liable to misunderstanding, and, in some quarters, was misunderstood. Some persons have spoken and written since as if the Bill proposed to maintain the proctorial monopoly absolutely untouched. It will be seen, however, from the epitome of the leading provisions of the Bill, which we elsewhere publish, that the proposed arrangement is the same as in the Bill which was superseded by the dissolution. The proctor and advocate are to retain the exclusive property of the common-form business of the Court of Probate, but the contentious business is to be thrown open to solicitors and to the bar. We shall not repeat the arguments which have been so often urged against this monopoly, either as extending to the whole of the business, as has been hitherto the case, or to nine-tenths of it, or thereabouts, as is now proposed. If the monopoly be immediately and entirely abolished, it will not be easy to resist the claim of the proctors for compensation; and it will again be very difficult to meet in the House of Commons the arguments that will be urged against the granting of such compensation. The measure as it now stands is a compromise of no very satisfactory character, and to which many strong objections may be urged; but this is a reproach which it may share with many other Bills which have nevertheless effected a considerable improvement upon the pre-existing state of things. Whether a better measure can be obtained from the present Parliament we will not at this moment undertake to say. If further improvement be possible we shall welcome it most heartily; but, if not, we shall consider Lord Cranworth's Bill, as it now stands, a valuable reform, and we shall confidently anticipate that the shortcomings of the present legislation will be corrected in future years. But there is one provision in the Bill as it now stands which appears to us open to a good deal of question. It was originally proposed that appeals from the judge of the Probate Court should go before the Judicial Committee of the Privy Council. But by the Bill as amended the appeals are to be referred to the House of Lords. Now, looking at the present constitution of that House as a judicial tribunal, and considering that there is no immediate probability of improvement, we really do not see that it is desirable to devolve upon it fresh functions, and we cannot suppose that this proposition will be favourably received in the House of Commons.

The debate in the House of Lords on Thursday night upon the Divorce Bill is interesting as a proof that some arguments may always be produced in support of the weakest case. We really did not anticipate that even the ingenuity of Lord Wensleydale could invent so many reasons against the abolition of the action of *crim. con.*, nor that his lordship's well-known reverence for all existing institutions and procedure could possibly comprehend that most odious and offensive feature of our legal system. Lord Wensleydale claims for this form of action an antiquity far higher than the chancellorship of Lord Loughborough, and even suggests that it may have been coeval with the law of England. Of course we know that there could be no higher recommendation to the sympathies of that learned person. Perhaps, too, the exclusion in these trials of the testimony of those to whom the facts must necessarily be best known, gives them an additional claim to the regard of one of the greatest masters of the technicalities of English law. Lord Wensleydale not unnaturally laments the proximate extinction of one of the last relics of a system in which he had throughout a long life revelled, and in which he had attained the highest eminence. It seems, however, that the action is to be abolished, even though the great Alfred could be proved to have invented it, and that adultery is to be declared a misdemeanor.

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The Lord Chancellor lately handled a solicitor in a way which goes far to prove that his Lordship is by no means so deficient in vigour as some of his depreciators have asserted. The occasion arose out of a pauper suit, *Nunn* v. *Edge*, in which Vice-Chancellor Stuart dismissed the bill, and from whose decision there was an appeal. The Lord Chancellor dismissed this appeal, and, in the course of his judgment, made some severe observations upon the plaintiff's solicitor for writing an insolent letter, and also for bringing the appeal. As regards the second point, we cannot see that the censure was deserved, because the responsibility of advising an appeal belongs to the counsel in the cause; and it will be seen from the report, which we give below, that Mr. Malins very properly interposed to claim for himself the largest share of whatever blame attached to the prosecution of the appeal. With a female client, poor, pathetic, and probably lacrymose, a junior counsel confident and enthusiastic, and a leading counsel approving, or at least acquiescing in the course proposed, it is rather difficult to tell of what material the solicitor should be composed who is to decline, under such circumstances, to proceed. One cannot help feeling, too, that the frequency of successful appeals from the judge whose decision was impugned has a tendency to encourage the further litigation of cases which really are free from all reasonable doubt. However that may be, the conduct of the solicitor in the present instance appears to have been free from blame, and this was, in effect, admitted by the Lord Chancellor, when Mr. Malins had intervened between his censure and its object. Upon the other point adverted to by Lord Cranworth, the writing of a letter which he characterised as insolent, it is impossible, without further explanation, to form a judgment.

The Lord Chancellor affirmed the decree of V. C.

Stuart dismissing the bill. He said that he considered the conduct of Mr. Patrick, the plaintiff's solicitor, highly reprehensible in writing the insolent letter he did before filing the bill, and in persevering in the suit after its dismissal by the Court below. He must also complain of the too great facility afforded to the institution of suits *in formâ pauperis*, and, though it would be fruitless as far as the defendants were concerned, the appeal would be dismissed with costs.—Mr. *Malins*, with some warmth, said, that he must take his full share of his Lordship's censure respecting the appeal, as his Lordship was aware that it could not have been prosecuted without his (Mr. *Malins's*) signature. As had been stated by Lord Eldon, counsel could hardly help sanctioning an appeal when it was desired by the parties themselves; and in the present case, considering the destitute condition of the plaintiff, and the sanguine view she took of her own case, he felt he could not do otherwise than give her the opportunity of having it reheard. Under these circumstances, he trusted his Lordship would withdraw the censure he had cast upon the solicitor in the case. As to the advising of the suit, his junior counsel was very young at the bar, and had, perhaps, been too enthusiastic as to the result of the case—a fault that a little experience would soon cure.—The Lord Chancellor replied, that he did not blame Mr. Patrick so much for the appeal as he did for writing the letter he had alluded to. Mr. *Cary* had most ably done everything he could for his client's interest, and doubtless would, when more experienced, learn to look upon such cases as the present one in a less enthusiastic manner.

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A case has been before the Court of Queen's Bench this week in which a principle frequently insisted upon in these columns was distinctly recognised by the judges, although peculiar circumstances forbade its application in that instance. Lord Campbell declared, that, for the sake of the client, it was important that the solicitor should be remunerated according to the time and skill bestowed by him. The Master had, on taxation, measured the allowance solely by the number of folios contained in the work, and this in a case of very unusual character, and which peculiarly demanded thought and labour and ability. It was impossible to imagine a stronger instance of the injustice of the existing practice, and Lord Campbell's condemnation of it will go far to restore to him with the profession the popularity which he may have lost by his recent ruling upon the question of an attorney's liability for negligence. The case of *Reg.* v. *Wooller*, out of which this taxation arose, was, it will be remembered, a prosecution for murder, which terminated in the acquittal of the accused. That the exertions of the attorney for the defence should be rewarded by the taxation of his bill is a strong but by no means an unparalleled example of the ingratitude of men for the greatest services. It is told of a penurious admiral that he rewarded with sixpence a sailor who had jumped overboard to save him from drowning. When the sailor complained of the small value of the medal awarded to him for his humanity, he was answered by a shipmate that the admiral must be supposed to know best the value of his own life. We think that the same apology is the only one that can be made for Mr. Wooler's conduct. Pending the publication of a more formal report, we borrow from one of the daily papers the following details of the case:—

"This was a rule for the Master to review his taxation of an attorney's bill of costs. The defendant, Joseph Smith Wooller, had been indicted for the crime of wilful murder and acquitted. The attorney who had conducted his defence then sent in his bill, amounting to £1,097, and the defendant took steps towards having the bill taxed. The Master taxed off a small portion of the bill, and the chief portion so taxed off related to a charge made by the attorney for an analysis of the evidence. The Master had allowed the attorney so much a folio; but the attorney obtained this rule for the Master to review his taxation, on the ground that he was entitled to be remunerated, not according to the length of the document, but in proportion to the time and skill employed in its preparation. Mr. *Henderson* now showed cause against the rule, and from his statement it appeared that the attorney had accepted payment of the bill as taxed, and the Court thought he was precluded from making the present application. Lord *Campbell*, however, expressed a strong opinion that under such circumstances an attorney was entitled to be paid according to his activity and labour, and not according to measurement. His Lordship observed, that it was a reproach to our law that solicitors should be so recompensed for their invaluable services. Mr. *Overend*, as one of the counsel in the case, said immense advantage had been derived from the document in question. Lord *Campbell* said, that for the sake of the client it was important that a solicitor should be entitled to remuneration according to the time and skill bestowed in discharge of the trust confided to him. The rule must be discharged, but without costs."

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## LEGAL EDUCATION AND THE INNS OF COURT.

(*From the Daily News.*)

For that branch of the legal profession consisting of attorneys and solicitors, a very excellent and effective system of compulsory education has been for some time in operation, with the most signal benefit to the general *status* and professional qualifications of those who are brought under its operation. No young man can now take out a certificate as an attorney or solicitor without having passed such an examination in law as supplies an effectual guarantee that he has a competent knowledge of the profession in which he proceeds to practise. With the bar the case is different. In that branch of the profession from which are derived all the more responsible administrators of our law—home and colonial—no steps whatever are taken for ascertaining, by the test of examination, whether they possess any and what qualifications for the functions they may hereafter be called on to fulfil. For the majority of these offices, which in number and importance are continually increasing, seven years' barristration is the statutable *sine quâ non*; but there is nothing apart from the test of actual practice in this country—a test often not resorted to, and, in the case of colonial appointments, at best very fallacious—to show how far a seven years' standing at the bar is, or is not, a valid qualification for office. This is a state of things utterly unparalleled in any other country, and calculated to create a very well-grounded public anxiety. It is a matter not of private but of public concern. It is not, it cannot be, a question in which four private societies like the Inns of Court can be entitled to an exclusive right of judgment. The question is one of imperial dimensions. That the law should be well administered throughout the whole range of the British dominions is a point of vital interest to the British Legislature. In the present state of legal practice, and with the existing multiplicity of minor judicial appointments, the only effective way of providing for this most important point is the institution of a compulsory examination, so wide in its range and so stringent in its requirements as to furnish something like a real security that men of incompetent knowledge and imperfect training shall no longer be entrusted, as they too often have been, with the exercise of judicial functions either abroad or at home. The claim of the benchers of the four Inns of Court to interpose, by virtue of their monopoly, in the manufacture of barristers, between the public requirements and their accomplishment, is simply a repetition of the old obstructions which all corporate bodies, especially when mixed up with education, have ever opposed to the progress of reform.

Let the public consider for a moment how this matter stands. In every civilised country but our own compulsory examination is absolutely necessary as a preliminary qualification for the practice of advocacy. Up to 1851, all that was required of the English barrister was, that he should have kept a certain number of terms by eating a certain number of dinners. Then came the institution of readerships, with an optional examination, which has merely added the necessity of passing a specified number of hours in a lecture-room to that of consuming a specified number of dinners in hall. The Commissioners, whose elaborate report was published in 1855, were unanimous in their condemnation of this miserable mockery of legal education. They were equally unanimous in the recommendation of changes which would have effected a great improvement on anything we have hitherto had, and have laid broad and deep the foundation for something like an adequate scheme of legal education. The four Inns of Court were to be constituted into a legal university, under the style of "The Chancellor, Barristers, and Masters of Law." A Senate of thirty-two members, eight from each Inn of Court, was to form the governing body. There were to be two different descriptions of examination—the first, preliminary to being admitted to

studentship; the second, preliminary to being called to the bar. The range of this second examination was to be liberal and comprehensive. It was to embrace, in one branch, public or constitutional law and legal history, jurisprudence and the Roman civil law. In another branch were to be included common law, equity, and the law of real property. A satisfactory examination in some one subject out of each of the above branches was requisite for a pass or common legal degree; proficiency in all the subjects of either branch was to insure a certificate of honour; proficiency in all the subjects of both branches was to give a title to the degree of Master of Laws.

## THE SHREWSBURY CASE.

The claim of Lord Talbot to the Earldom of Shrewsbury is now, at length, fairly before the House of Lords, and it will come on for hearing at the earliest possible opportunity. As it directly involves the first and oldest earldom in the land, and indirectly affects estates of the annual value of £40,000, our readers will readily believe us when we say that the Shrewsbury case will rival in interest and importance the great Douglas and Berkeley cases.

The printed document formally asserting the claim on the part of his lordship has been laid upon the table of the Upper House. It consists of forty-one pages of genealogical and other matter, and is intitled "The case of the Right Hon. Henry John Chetwynd, Earl Talbot, claiming to be Earl of Shrewsbury." It states that the claimant having presented a petition to her Majesty, praying that the title, dignity, and peerage of Earl of Shrewsbury might be declared and adjudged to belong to him, and that a writ of summons to Parliament might issue to him by the title and dignity aforesaid, her Majesty was pleased to refer the said petition, together with the Attorney-General's report thereon, to the House of Peers on the 9th of May, 1857, who, on the 11th of May, referred it to the Committee of Privileges to consider and report thereon.

It first recites the terms and limitations of the patent under which the earldom was originally conferred in 1442 upon John Talbot, the great Earl of Shrewsbury, and General of the English Army in the wars with France, and carries down the pedigree step by step, through seven generations, from father to son, in a direct line, until the elder branch of the first Earl's family became extinct on the death of Edward, eighth Earl, without issue male, on the 8th of February, 1617.

It then shows how, on the failure of the elder line, the earldom descended upon the heirs male of Sir Gilbert Talbot, of Grafton, K.G., as representative of Gilbert, third son of the second Earl, and was enjoyed by them successively down to the year 1856, when it became extinct by the death of Bertram Arthur Talbot, the late Earl, at Lisbon.

It further recites that Earl Talbot now claims to be entitled to the earldoms of Shrewsbury, Wexford, and Waterford, as nearest heir male of the said Sir Gilbert Talbot, through the second marriage of his son John, and, consequently, as nearest heir male of the body of the first Earl, and that he begs leave to lay before this most hon. house the present case in support of his claim. The case, which is signed by Sir F. Thesiger, Sir F. Kelly, and Mr. T. Ellis, barrister-at-law, as counsel for the claimant, alleges that Sir John Talbot, of Albrighton, married, as his second wife, Elizabeth Wrottesley, by whom he had issue two sons, of whom the elder died young, while the line was continued by the younger son, John, of Salwarp, who married Olive Sherrington, and whose son, Sherrington Talbot, left, by his second marriage with Mary, daughter of John Washbourne, three sons, of whom the two elder died without leaving issue; and that the line of descent was continued by the third son, William, some time Bishop of Durham. He was the father of Charles Talbot, Lord Chancellor of England, who was raised to the peerage in 1733 as Lord Talbot, and whose son, created Earl Talbot of Ingestre in 1784, was grandfather of the present claimant.

We understand that the opponents of his Lordship's claim are three in number—first, the Duke of Norfolk, as guardian of the interest of his infant son, to whom the late Earl bequeathed his magnificent property at Alton Towers; secondly, the Princess Doria Pamphili of Rome, as only surviving child of John, sixteenth Earl; and, thirdly, Major Talbot, of Castle Talbot, county Wexford, as a rival claimant to the title.

In the event of Earl Talbot being able to establish his claim to the earldom of Shrewsbury to the satisfaction of the Committee of Privileges, his Lordship will become Premier Earl of England, and also of Ireland, as also Earl of Wexford and Waterford; and then, we imagine, a further suit will have to be entered upon before the Court of Chancery for possession of the Shrewsbury estates at Alton, and other placesin the counties of Stafford, Oxford, Worcester, and Berks. In case, however, the House of Lords should decide that his Lordship's claim is "not proven," the other claim—namely, that of Major Talbot, will be submitted for their Lordships' decision. The gallant Major, as we understand, traces his pedigree up to William, fourth son of George, the fourth Earl, who was made a Knight of the Garter for his valiant conduct at the Battle of Stoke, June the 16th, 1447.—*Times.*

Rebuilding of Newgate Gaol.—The Court of Aldermen having determined on the re-building of Newgate Gaol on the cellular system, the plans proposed for that purpose by Mr. Bunning, their architect, have been adopted, and the works commenced by the demolition of the present north wing of the prison, containing wards in which several prisoners were usually congregated together, and also the condemned cells. The portion of the intended building now in progress will consist of five stories above the basement, and contain 130 separate cells, with access thereto on each story above the ground floor by means of galleries on either side of a central corridor, the entire height and length of the building, covered with a ground glass roof. The basement story will contain punishment cells, baths, and store-rooms. Airing yards will be attached to the building, and adequate accommodation provided for the officers in charge of the prisoners. The system of the cells and the system of ventilation will be similar to that which has been successfully adopted at the City Prison, Holloway, which was also erected from Mr. Bunning's design. The building will be entirely fire-proof; and instead of the prisoners being, as now, taken from the van in view of the public, the plan for the new building is so arranged that the van will be driven into the gaol and the gates closed on the prisoners before they alight. In the re-building of the gaol the governor's house and the external walls will be retained, so that the architectural appearance of the present structure will not be interfered with. The amount of the contract for the works now in progress is £12,550, and the contractors are Messrs. Browne and Robinson, of College-hill, City.—*Times.*

Death of Mr. Hall, M.P., for Leeds.—A vacancy has occurred in the representation of Leeds by the death of Mr. Robert Hall, who was returned, after a severe contest, as one of the members for that borough at the late election. Mr. Hall, who was Recorder of Doncaster and Deputy-Recorder of Leeds, suffered severely from an accident, about two years ago, on the Great Northern Railway, near Leeds, and although he so far recovered as to be able to resume his professional labours, his constitution was permanently injured, and has given way at last to the labour and excitement consequent upon his recent struggle for parliamentary honours. He entered with great vigour into the political contest in which he was engaged for the representation of his native town, and was unceasing, for more than a week before the day of election, in his efforts to win his way, often addressing two or more meetings of the electors in different parts of the borough the same day. After the election, when his hopes were crowned with victory, his thought that he received injury from sitting in the House of strength appeared to give way, and he suffered from the reaction which followed the severe activity of the contest. He also Commons near one of the openings for the admission of air. He died at Folkestone on Tuesday morning, aged 56. Mr. Hall was born in Leeds in the year 1801. He was educated at the school of Heath, near Halifax, at the Leeds Free Grammar School, and at Christ Church College, Oxford, where he obtained the rank of first class in classics, and second class in mathematics. Mr. Hall's death will be much lamented by his townsmen,—not merely by his own political friends,—but by all who knew either his professional or his private character. He has been removed at the very moment of attaining the object of many years' ambition, the representation of his native place in Parliament.

Death of Mr. Davies, M.P.—Mr. Davies, M.P. for Carmarthenshire, died suddenly, at the University Club, on the evening of Friday week. He was a barrister-at-law, and for many years chairman of the Cardiganshire Quarter Sessions, and was first returned for Carmarthenshire in 1842. He was in the sixty-sixth year of his age.

Mr. Henry Singer Keating, Q.C., M.P. for Reading, has been appointed her Majesty's Solicitor-General, in the room of Mr. Stuart Wortley, whose ill-health has caused him to resign that appointment.

A resolution was passed on Thursday at the Bank Court associating Mr. Henry Freshfield with Mr. Charles Freshfield in the appointment of solicitors to the Bank of England, the latter having held the appointment jointly with the late Mr. James Freshfield, junr., for the last seventeen years.

Mr. Thomas Edlyne Tomlins, of 10, Lincoln's-inn-fields, solicitor, has been appointed by his Honour William Foster Stawell, Esq., Chief Justice of the Supreme Court of the Colony of Victoria, a Commissioner to take and receive, in the United Kingdom of Great Britain and Ireland, the verification of memorials and the acknowledgment of deeds relating to property in the Colony of Victoria, and also to take and receive affidavits in any cause, matter, or thing depending in the Supreme Court of Judicature of that Colony, 13th March 1857.

Charles Drake of Bungay, Suffolk, Gent., has been appointed a Commissioner to administer Oaths in Chancery.—*May* 8, 1857.

Alfred Henderson, Bristol, Gent., has been appointed one of the Perpetual Commissioners for taking the Acknowledgments of Deeds to be executed by Married Women in and for the city of Bristol and county of Somerset.—*May* 22, 1857.

## Recent Decisions in Chancery.

### Practice—Wilful Default.

*Mirehouse* v. *Herbert*, 5 W. R., 583.

In order to obtain a decree against an executor for an account with wilful default, the old practice was to require that a case should be made and proved showing some amount of such default, and the decree was then made at the hearing for an account of what the executor had received, or what but for his wilful default he might have received. If, however, the bill made no case for wilful default, or if from defect of evidence or other cause no decree was obtained at the hearing for such an account, it was not competent for the plaintiff to apply for such an addition to the decree when the cause came on upon further directions, no matter how clear or how extensive might be the defaults disclosed in the course of taking the accounts. Lord *Eldon's* rule was, that, in order to obtain an inquiry as to wilful default against an executor or trustee, you must allege a case for such an inquiry—must pray for it—and prove one act, at least, of wilful default, and that, doing so, you may have a general decree for wilful default. The ordinary case is, where a decree as to wilful default is asked for by the prayer, but where the evidence fails to make out a case for such relief at the hearing. There are many authorities in such a case for the position that the charge cannot be made complete and the decree for wilful default taken on further directions. *Green* v. *Badley* (7 Beav. 274), and *Garland* v. *Littlewood* (1 Beav. 527), are examples of this. The same principle applied where a bill contained charges of fraud which were not established at the hearing. If, in such a case, a common decree for account is taken, the fraud cannot afterwards be inquired into at a later stage of the suit. Lord *Cottenham* so decided in *Dunstan* v. *Patterson* (2 Ph. 341); and there are many other authorities to the same effect. The reason for this rule is stated by Lord *Langdale* in *Passingham* v. *Sherborn* (9 Beav. 432), who says, that, when charges are contained in the bill, and no notice of them is taken in the decree, the presumption is, either that they were abandoned on the hearing, or so presented to the Court as to induce it to abstain from making any order in respect to them. If there be any error in the decree, it cannot be corrected on further directions, but only on a rehearing. The hardship of compelling the defendant to reshape his defence is also frequently referred to among the grounds of the practice. It was even attempted so far to strain the principle as to contend that interest on balances could not be charged on further directions without an express direction in the decree; but it is held that this may be done even in a case where the particular relief is not only not proved to be proper at the hearing, but is not even prayed by the bill (*Hollingsworth* v. *Shakeshaft*, 14 Beav. 492).

Two of the most modern cases on the subject, decided just before the recent statutes, follow the general rule we have stated as to wilful default, though in one a relaxation is suggested in cases where some suspicion not amounting to proof of a specific default has been established at the hearing. Thus, in *Jones* v. *Morrall* (2 Sim., N. S., 241), Lord *Cranworth* laid down the rule as follows:—"If the pleadings do not raise the point, it cannot be raised either at the hearing or on further directions; but if the plaintiff's pleadings do raise it, it is his duty, if he can make a case for it, to get a declaration by the decree, or if he cannot make a sufficient case for an immediate decree, to get an inquiry of such a character, that, on the result, the Court may, on further directions, make a declaration."

Again, in *Coope* v. *Carter* (2 D. M. & G. 297), Lord Justice *Knight Bruce*, after stating the course of the Court to be in accordance with Lord *Eldon's* rule, says, "This, however, may arise: a case of wilful default may be alleged, and a prayer may be founded upon it, but the evidence may raise only a case of suspicion in the mind of the Court on the question whether an act of wilful default has been committed. In such a case, I conceive that the Court, if it is likely that further evidence may be obtained, ought to direct an inquiry short of directing wilful default, in order to ground upon that a new order, and to direct an inquiry as to wilful default at a future stage."

In the case placed at the head of this note, V. C. *Stuart* has decided that the rule as to not interpolating a charge of wilful default subsequently to the hearing is, in effect, abrogated by the New Orders. After noticing the old practice, his Honour observed—"There was a defect in justice arising from this course of proceeding, inasmuch as wilful default is not easily proved till the accounts have been investigated; when, therefore, it appeared, in prosecuting a suit in the Master's offices, that there had been wilful default, it was unjust that the defendant should be allowed to get off unless a new suit was instituted. The New Orders have provided a remedy for this obvious injustice. Under the present practice, if there has been a common administration decree, and if, during the progress of the suit under that decree, it appears that an executor or trustee has been guilty of any misconduct, the judge in chambers may model the order made under the decree, so as to meet the justice of the case; and, if necessary in open court, such an alteration may be made in taking the accounts as to enable the suitor to obtain justice in a form more speedy, cheaper, and better for all parties than under the old system."

These observations seem to extend the power of directing inquiries as to wilful default, even to a case where it is not charged by the bill; and it is obvious that such a power must be exercised in a summons-suit, if cases of wilful default are to be considered as proper subjects for such proceedings, which may be questioned. However, the dictum was probably not intended to encourage the suppression of charges of default till after the decree, and it must still be regarded as the proper and prudent course, notwithstanding *Mirehouse* v. *Herbert*, to state, and, if possible, prove, a case of wilful default at the hearing whenever it is in contemplation to seek relief on that footing.

## Cases at Common Law specially Interesting to Attorneys.

### Interest in a Life Policy—14 Geo. 3, c. 48.

*Shilling* v. *The Accidental Death Assurance Company*, 5 W. R., Exch., 567.

The question raised in this case was whether a policy of life assurance could be lawfully effected by A., for his own benefit, in the name of B., A. having at no time any interest in the life of B. It was contended, on the one side, that this was a "gaming and wagering policy" within 14 Geo. 3, c. 48, which declares that no valid policy can be made by any person on the life of another, wherein the person for whose benefit the policy is made shall have no interest. On the other hand, it was insisted that it appeared by the policy itself that B. was the person assured; and that the company was estopped from saying that the party assured was any other than he who appeared to be so by the express terms of the instrument. It was the opinion of the Court that A. could not effect a valid policy on the life of B., representing that he was authorised by B. to effect a policy on his life and for him, when, in truth, it was for the benefit of A.; for this was a species of transaction by way of wager on the life of another, which the statute intended to prohibit. On the other hand, they thought there was no objection to A., with the knowledge and consent of B., effecting a policy on B.'s life—he (A.) paying the premiums, and the sum assured being payable to B.'s executors.

In connection with this case, may be read with advantage that of *Dalby* v. *The India and London Life Assurance Company* (15 C. B. 1) which overruled the case of *Godson* v. *Boldero* (7 East, 72), and decided that the statute above mentioned does not prevent A. from recovering on a policy he has effected on the life of B., provided that *at the time of effecting the policy* he had an interest in B.'s life, although such his interest had ceased before the death happened.

PRACTICE AS TO STAMPS ON BILLS OF EXCHANGE—RULING OF JUDGE WHEN CONCLUSIVE—EFFECT OF NONSUIT.

*Sharples* v. *Rickards*, 5 W. R., Exch., 568.

This was a rule which had been obtained to set aside a nonsuit, and for a new trial. The action was on a bill of exchange drawn by the defendant in foreign parts, and indorsed over to the plaintiff. At the trial, the bill was produced without any stamp; and it was ruled by the judge, and acquiesced in by the plaintiff's counsel, that, on this ground, the bill was inadmissible, by reason of 17 & 18 Vict. c. 82, imposing a stamp on foreign bills indorsed over *in this kingdom*; and that consequently the plaintiff had failed to establish his case. Upon this ruling the plaintiff's counsel agreed to be nonsuited. Upon the argument, several points were incidentally determined:—1. It was held that the burden of proving that the indorsement had taken place in this country, and not in that in which the bill had been drawn, lay on the defendant. 2. It was held that the decision of the judge *rejecting* the evidence tendered was liable to be reviewed by the Court, and a new trial on that ground might be granted, notwithstanding the 31st section of the Common Law Procedure Act, 1854, enacting that "no new trial shall be granted by reason of the ruling of any judge that the stamp upon any document is sufficient, or that the document does not require a stamp;" for that such provision had reference exclusively to evidence *admitted* (not *rejected*), and that the *dictum* of the late Chief Justice of the Common Pleas, in *Siordet* v. *Kuczinski* (17 C. B. 251), to the effect that the ruling of a judge on questions relating to the sufficiency of a stamp is final, was intended to apply only to cases of admission and not of rejection. 3. It was held, that the new trial being rendered necessary by the mistake of the judge, the rule to set aside the nonsuit must be made absolute without throwing any costs upon the defendant. 4. It was held, that, under the circumstances, the nonsuit could not be deemed to be a voluntary one. 5. The Court doubted whether (the only pleas being a denial of presentation and of dishonour, and that the defendant had due notice of dishonour) the plaintiff was bound to produce the bill at the trial at all, in order to entitle himself to a verdict. As to this last point, the case of *Chaplin* v. *Levy* (9 Exch. 531) was mentioned, where the only plea being a denial of the acceptance, and the acceptance being proved by the written admission of the defendant's attorney, the production of the bill itself at the trial was held to be unnecessary.

ARBITRATOR'S CHARGES—REVIEW OF TAXATION OF COSTS.

*Webb* v. *Wyatt*, 5 W. R., Exch., 570.

This was an application for a review of taxation of costs allowed in respect of the charges of an arbitrator. The only question in the cause (which was entered for trial at Lewes) related to a right of way near Hastings, and the case was consequently referred to a barrister, that there might be a view of the *locus in quo*. The arbitrator charged for three days, at ten guineas a day, whereas, in point of fact, the inquiry itself was concluded in the course of one morning. He also charged five guineas for the view, three guineas for the award, and some travelling expenses, making up a total of 43*l.* 3*s.* This amount the Master reduced by ten guineas, allowing only for two days, instead of three. The object of the present application was to have the charges still further reduced, and the Court acceded to it, remarking that care must be taken that references did not become a *vexation*, instead of a benefit to suitors, and that the charges made appeared to be excessive. *Martin*, B., added, that it was very desirable there should be some understanding with respect to the charges for country references, similar to that which prevails in town causes.

EFFECT OF ERRONEOUS FINDING OF A JURY ON AN INQUISITION TAKEN ON A WRIT OF ELEGIT.

*Barnes* v. *Harding*, 5 W. R., C. P., 570.

From this case it appears that where there has been an inquisition before a jury on a writ of *elegit* to determine as to the lands, &c., in the possession of the judgment debtor, and the jury find a verdict on such inquiry against evidence, no fresh writ of *elegit* can issue unless a rule has been previously obtained to set aside the erroneous finding of the jury.

The reason given by the Court for this practice was, that the first verdict, while it remained undisturbed, would be evidence between the same parties; and, therefore, it does not seem inconsistent with the cases which decide (*Hunger* v. *Frey*, Moore, 341; *Foster* v. *Jackson*, Hob. 57), that, if it should appear after the inquisition has been returned that the execution debtor has *other* lands respecting which no evidence was offered to the jury at the time of the inquiry, another writ may issue suggesting that fact.

SECONDARY EVIDENCE—ADMISSIBILITY OF DEPOSITIONS TAKEN BEFORE THE MAGISTRATES.

*Regina* v. *Cockburn*, 5 W. R., C. C. R., 570.

In some cases secondary proof of oral testimony is admissible, upon the principle, that, under the circumstances, it is the best evidence according to the rules of marshalling evidence recognised by the common law. In some few cases such secondary proof is rendered admissible by statute. Thus, by 11 & 12 Vict. c. 42, s. 17, in cases where any person is brought before justices, charged with any indictable offence, the *depositions* taken on oath, and read over to and signed by the witnesses and the magistrates, may be read at the trial of such person, provided the person deposing be then *dead*, or *so ill as to be unable to travel*. Respecting this provision, it has been observed, that it is not intended to annul the common law maxim that a deposition taken under the above circumstances may *also* be received if the witness be fraudulently or forcibly kept out of the way by the prisoner himself, and that the provision is open to objection in that it fails to express whether it was intended that it should supersede the practice of postponing the trial where the witness was suffering only under a *temporary* illness, and also to define the amount of proof which would authorise the reading of the deposition, or what species of evidence on the part of the prisoner will render it inadmissible.

In the above case, the conviction of the prisoner for larceny was appealed against on the ground that the depositions of the prosecutor had been improperly received; but as no counsel appeared on either side, the Court contented themselves with saying the conviction was right, without giving any reasons, or laying down any general rules for the interpretation of the section as to the above points. It may, however, be observed, that it was sworn at the trial that the witness whose deposition was admitted was then suffering under a paralytic seizure, but that he might be brought to the court without danger to life; and it also appeared that on the day preceding the trial he had been seen in the public street.*

HOMICIDE ON THE HIGH SEAS BY FOREIGNERS NOT TRIABLE IN ENGLAND.

*Regina* v. *Lewis*, 5 W. R., C. C. R., 572.

From this case it appears to be law, that, if a foreigner is killed by a foreigner on the high seas, no offence has been committed which is cognisable by the law, or in the courts of this country. The contrary was contended, on the ground of 9 Geo. 4, c. 31, the 7th section of which authorises the trial in England of *British subjects* committing homicide abroad; and the 8th section enacts, that where any person "feloniously stricken" on the seas dies in England (as the deceased did in the case before the Court), the case may be dealt with where the death happened as if the offence had been wholly committed there. The Court, however, held that these two sections must be taken together, and that they both had reference to the same class of persons—viz. British subjects.

It would, apparently, make no difference if the party *killed* were a British subject. *Sed quære.*

CONFLICT OF JURISDICTION BETWEEN COUNTY COURT AND INSOLVENT COURT.

*Cookman* v. *Rose*, 5 W. R., Q. B., 576.

This was an application for a prohibition to the judge of the Norfolk County Court, who had committed the defendant to prison for forty days, under 9 & 10 Vict. c. 95, ss. 98, 99, for non-payment of the instalments ordered upon a judgment summons. The judgment had been obtained by the plaintiff against the defendant in June, and in the following month the defendant had obtained his discharge from the Insolvent Debtors Court, after filing a schedule in which the debt for which the plaintiff had obtained judgment was included.

The question here was as to the effect of the repeal, contained in 19 & 20 Vict. c. 108, of so much of the 102nd section of the 9 & 10 Vict. c. 95 as enacts that no protection order or certificate granted by a Bankrupt or Insolvent Court shall be available to discharge a defendant from any commitment under the order of a county court judge. Before the date of this statute, it had been determined by several cases (*Abley* v. *Dale*, 11 C. B. 388; *Ex parte Christie*, 4 E. & B. 714; *George* v. *Somers*, 16 C. B. 532) that the county court judge's power to commit for contempt by non-payment of instalments, under 9 & 10 Vict. c.

* *Vide supra*, p. 131, where a case as to the reception of a *dying declaration* as evidence is noticed.

95, s. 99, was not affected by a discharge from the Bankruptcy or Insolvent Court. In the judgment of none of these cases was any mention made of section 102; but the Court of Queen's Bench, in the case now under notice, considered that they must be held nevertheless to have proceeded on that section, and that, as it had been now *quoad hoc* repealed, the power of commitment no longer existed. And the Court remarked, that, though the 102nd section was not mentioned in the *judgment* in *Abley* v. *Dale*, it had been prominently contested in the argument. "We are of opinion," said the Court, in making absolute the rule for a prohibition, "that we give effect to the expressed intention of the Legislature, by holding that an order for discharge granted by the Court for the relief of insolvent debtors, comprising a judgment debt of the county court, does take away from that county court the power of committing to prison a defendant by a warrant on a judgment summons issued for non-payment of that debt. Although such commitment may be in some cases a punishment for supposed misconduct, it is founded also on a judgment debt, which is granted only at the instance of a judgment creditor. We do not assume to overrule decisions which have been already given upon the Acts as they formerly stood; but we take those Acts and decisions with 19 & 20 Vict. c. 108, and consider that we are now deciding consistently with them."

Notwithstanding the concluding sentences of the above judgment, we must be permitted to entertain a doubt whether the decision thus arrived at is not, in effect, an overruling of *Abley* v. *Dale*, and the other cases following it. It appears difficult to read the judgment of *Jervis*, C. J., without feeling that the 98th and 99th sections were the material ones in the opinion of the Court; and that they gave their judgment without reference to the words in the 102nd section, now repealed. However, there can be no doubt that the present decision is an equitable and a popular one; and it will put an end to an unseemly trial of strength between the two tribunals.

## Professional Intelligence.

### Inns of Court Examination.

At the public examination of the students of the Inns of Court, held at Lincoln's-inn-hall on the 19th, 20th, and 21st days of May, the Council of Legal Education awarded to Arthur Cohen, Esq., student of the Inner Temple, a studentship of fifty guineas per annum, to continue for a period of three years; to George Waugh, Esq., George Colt, Esq., and John W. Vernon Blackburn, Esq., students of Lincoln's-inn—certificates of honour of the first class; to Edmund Sheppard, Esq., and H. I. M. Williams, Esq., students of the Inner Temple, Henry Drake, Esq., student of the Middle Temple, S. Courthope Bosanquet, Esq., and Charles S. Currer, Esq., students of Lincoln's-inn, Frederick A. Inderwick, Esq., student of the Inner Temple, H. C. Folkard, Esq., and W. Halliday Cosway, Esq., students of Lincoln's-inn, Richard L. de Capell Brooke, Esq., and Henry Stone, Esq., students of the Inner Temple—certificates that they have satisfactorily passed a public examination.

## ATTORNEYS TO BE ADMITTED.

### Queen's Bench.

Trinity Term, 1857, pursuant to Judges' Orders.

| *Clerk's Name and Residence.* | *To whom Articled, Assigned, &c.* |
|---|---|
| Bockett, John Symonds, Hampstead, Middlesex | D. S. Bockett, Lincoln's-inn-fields. |
| Christie, Richard, 6, Manchester-buildings; and Burton-street, Eaton-square | J. Sangster, Leeds. |
| Fricker, Frederick Robert Augustus, 21, Thayer-street, Manchester-square; Gloucester-crescent | H. Bedford, Gray's-inn-square. |
| Handley, John Jesse, Westgate-in-Mansfield, Notts | G. Walkden, Mansfield. |
| Hocombe, James Bishop, 4, Mexican-terrace, Pentonville; and Little Heath, Herts | H. W Elcum, 13, Bedford-row. |
| Randles, William Henry, Ellesmere | G. Salter, Ellesmere. |
| Swatman, Alan Henry, King's Lynn | J. E. Jeffery, Lynn; E. L. Swatman, Lynn. |

Renewed Notices of Admission on the Last Day of Trinity Term.

| | |
|---|---|
| Atkinson, Thomas Swainson, Manchester; Church-street, Trinity-square, Southwark; and Acton-street, Gray's-inn-road | T. Swainson, Lancaster. |
| Barritt, Robert, 18, Devonshire-st., Queen's-sq., Bloomsbury; and Bury, Lancaster | S. Woodcock, Bury, Lancaster. |
| Bartleet, William Smith, 11, Millman-st., Bedford-row; Albion-st., Hyde-park; and Stourbridge | G. C. Vernon, Bromsgrove, Worcester; L. Minshall. Bromsgrove. |
| Boxall, Charles, 30, Amwell-street | H. Chase, jun., Reading. |
| Browne, Owen Francis, 38, Liverpool-st., Argyle-sq.; and Compton-st. East, Regent-sq. | J. S. Leakey, Lincoln's-inn-fields. |
| Carter, Robert, Belgrave-street South, Belgrave-square; and Northnold, Norfolk | W. B. S. Rackham, Lincoln's-inn-fields; M. B. Lucas, Adam-st. |
| Clarke, Samuel, Selby, York; and Church-street, Hackney | J. L. Haigh, Selby. |
| Clough, George Hawksley, 14, Claremont-row, Barnsbury-road, Islington; and Worksop | B. M. Clough, Worksop. |
| Cook, Robert Allen, Bath; and 11, Bedford-row | R. Cook, Bath. |
| Drinkwater, Frederick, 5, New Ormond-street, Queen's-square; and Hyde, Chester | J. Hibbert, Godley, Chester. |
| Earle, Horace, 2, Shaftesbury-crescent, Pimlico | C. Ford, Bloomsbury-square. |
| Fisher, Charles Francis, Great Yarmouth; Ventnor, Isle of Wight; and Cecil-street, Strand | J. G. Fisher, Great Yarmouth. |
| Goldney, Gabriel, jun., Chippenham, Wilts | G. Goldney, Chippenham. |
| Gregg, Edwin, 26, Albert-street, Mornington-crescent; and Ledbury | J. Gregg, Ledbury. |
| Gregory, Charles, Eyam, Derby | E. Lambert, John-st., Bedford-row. |
| Green, William Saunders S., 14, Burton-street, Burton-crescent; Portsea-place, Connaught-square; and Stockton-on-Tees | J. Dodds, Stockton; T. B. B. Stevens, 18, Adam-st., Adelphi. |
| Hammond, William, Finchley, Middlesex; and Furnival's-inn | H. Hammond, Furnival's-inn. |
| Holt, James John, 31, Dalston-terrace, Dalston | B. Hastie, Northampton-sq.; J. J. Spiller, Lothbury; R. H. Atkinson, Carey-st., Lincoln's-inn-fields. |
| Howell, David, 25, Prince's-terrace, Caledonian-road; Torriano-grove, Kentish-town; and 13, Prince's-terrace, Caledonian-road | H. Young, Serjeant's-inn, Fleet-street; A. Warrand, Basinghall-street. |
| Hustler, William Octavius, Halstead, Essex | O. Hustler, Halstead; W. H. Sams, Clare, Suffolk. |
| Kent, Alfred, 96, St. Paul's-road, Walworth; and Cannon-street | W. D. Kent, Serjeant's-inn, Fleet-st.; J. T. Luscombe, Cannon-st. |
| Latimer, William, Brampton, Cumberland; & 49, St. George's-rd., New Kent-rd., Southwark | G. Ramshay, Brampton. |
| Love, Joseph Neeld, Godalming, Surrey; and Bedford-row | G. F. Crowdy, Farringdon, Berks. |
| Mallinson, John, 31, Frederick-street, Gray's-inn-road; and Kirkby Lonsdale | T. Eastham, Kirkby Lonsdale. |
| Mason, Frederick, 5, Bedford-place, Russell-square; and Nottingham | J. N. Mason, Gresham-st.; T. G. Morley, Nottingham. |
| Maysey, John, jun., 33A, Red Lion-square; and Gloucester | T. Smith, Gloucester. |
| Norton, Francis Douglas Fox, 11, New Ormond-street; Monmouth; and Granville-square | J. R. N. Norton, Monmouth. |
| Perry, Joseph, 8, Blenheim-villas, De Beauvoir-road, Kingsland-road | Stedman & Place, Basinghall-st.; J. S. Place, Basinghall-st. |
| Root, John, 9, Millman-street; Chelmsford; and New-cross | J. Parker, Chelmsford. |
| Scarisbrick, James Corbett, 3, Cambridge-road, Islington; and Kendal | E. W. Scott, Kendal. |
| Spurr, Henry Allan, Lower Sydenham; Wath-upon-Dearne; Wigthorpe, near Worksop; 12 and 13, Bartlett's-buildings; and 13, Featherstone-buildings | G. P. Nicholson, Wath-upon-Dearne. |
| Stott, Richard, Chelmsford | J. & W. Crick, Maldon; F. T. Veley, Chelmsford. |
| Thompson, George, 47, Baker-street, Lloyd-square; Grove-terrace, East India-road; Robert's place, Commercial-road East; Clarence-street, St. Peter's, Islington; and Grove-house, York | L. Thompson, Grove-house, York. |
| Thompson, James, Colney Hatch | G. L. Parkin, New-square, Lincoln's-inn. |
| Waldy, Henry Temple, 52, Albemarle-street, Piccadilly; and Dorchester | Keith Barnes, Spring-gardens. |
| Weston, Henry, 5, Waverley-place, St. John's-wood | R. Bloxam, New Boswell-ct.; E. Bloxam, New Boswell-ct. |
| Winch, Edward, 7, Howard-street, Strand; Craven-street; and Featherstone-buildings | J. Lewis, Rochester. |

Notice of Application for Re-admission on the Last Day of Trinity Term.

Bower, John, York.

NOTICE OF APPLICATION TO THE COURT TO TAKE OUT OR RENEW CERTIFICATE ON THE LAST DAY OF TRINITY TERM.

Violett, Emanuel William, Banwell, Somerset; and Tillotson-place, near Waterloo-bridge.

NOTICES OF APPLICATION FOR THE DAY AFTER TRINITY TERM, JUNE 13, TO TAKE OUT OR RENEW CERTIFICATE.

Abbott, Charles E., 52, Lincoln's-inn-fields, Bedford-row; and King-street, Bloomsbury.
Bonsall, Isaac Dole, near Aberystwith.
Bowles, Charles John, Ludlow, Salop.
Briggs, Frederick, 1, Cross-road, Walworth,
Burrell, Edward Montague, White Hart-court, Lombard-street; and Hornsey-row, Islington.
Clarke, Thomas, Bridwell, Devonport, and Exeter, Devon.
Carrick, George Lowther, Brampton, Cumberland.
Heathcote, Robert, 16, Falcon-grove, Battersea.
Justice, Albert William, 77, Margaret-street, Wilmington-square; and Upper Rosoman-street, Pentonville.
Jones, William Llangefin, Anglesey; and Menai-bridge.
Jessop, Edward, Birmingham, Warwick.
Laughten, William Eastfield, Tickhill, York; and Smyth's-creek, Ballarat, Victoria; and on the High Seas.
Law, Dalton Robert, 10, Willow-cresc., Warwick-st., Hulme, Manchester.
Leadbeatter, Thomas, Huddersfield, York.
Parker, Thomas, Liverpool.
Parker, William Bush, Mangotsfield, Gloucester.
Tennant, William Thrapstone, Northampton.
Vipan, Edward Joseph, St. Ives, Hunts.
Way, Richard Travers, Bradford, Wilts.
Wells, Thomas, 2, Ely-place, Stratford; 4, David-street, Stratford; and 13, Baker's-row, Coppice-row, Clerkenwell.
Wilson, Benjamin, 5, Chatham-place, Camberwell-grove.
Wyman, George, 7, Spencer-place, Brixton-road; and Doughty-street, Gray's-inn-road

# Correspondence.

DUBLIN.—*(From our own Correspondent.)*

FRAUDULENT BREACHES OF TRUST—CROWN PROSECUTIONS AND PROSECUTORS.

The Bill introduced by Sir Richard Bethell, for making fraudulent breaches of trust criminally punishable, excites in legal circles a degree of interest proportioned to its intrinsic importance; while it also is regarded with some curiosity as being the first actual attempt at law reform by an Attorney-General who has certainly said more on the hustings, and has probably done less in Parliament, than any of his predecessors. Perhaps it is hardly fair to contrast the speeches at Aylesbury with the performance at St. Stephen's just at the present time, when the first law officer has actually introduced two law amendment Bills, and promises to introduce another after Whitsuntide. We should rather accept thankfully what is given to us by way of an instalment, while we wait patiently for further and greater benefits. That there is every disposition on the part of the Legislature to pass such a Bill into law, cannot be doubted; while, at the same time, much anxious consideration will, very properly, be bestowed on the measure, in order that it may be effective, without adding to those perils and dangers which already beset the most honest and well-meaning trustees on discharging the duties of their thankless office. There is little fear that the proposed measure will prove oppressive to others than those for whom it is intended. Errors in judgment will rarely or never be mistaken by any jury for fraudulent conduct of the kind sought to be prevented; and very distinct evidence will be required in every such prosecution of the fraudulent intent, before a jury will be willing to convict; for few persons of the juryman class but are themselves trustees for others, or induce others to be trustees for them; and this universality of trusteeship is the best safeguard against oppressive applications of the proposed measure.

In the course of his speech, on introducing his Bill, Sir R. Bethel took occasion (it seems) to observe, that, after long delay and consideration, and after due perusal of "documents laid before him" by the assignees' solicitor, he had come to the conclusion that prosecutions ought to be instituted against the Royal British Bankers. Now it seems somewhat remarkable, that the Queen's Attorney-General cannot be put in motion until the principles of criminal law have been applied to the case, and fully treated of by a Commissioner of the Bankruptcy Court—until an equally careful inquiry has been made by a solicitor concerned, not for the Crown, but for the assignees—and until all the evil-doers have had abundant opportunity of taking refuge on foreign shores, and most of them have actually availed themselves of that privilege. Some of the London journals have indeed intimated it as their opinion, that a leading counsel in the equity courts is not the right man to fill an office requiring some degree of familiarity with the principles and practice of criminal law. This is, however, a minor inconvenience, and one more than counterbalanced by the advantages of a system which usually (if not always) assigns the first law office under the Crown to the most eminent advocate of the day. To go back no further than the last year, an example will serve to show that some delay in prosecuting bank swindlers may be exhibited by a common-law as well as by an equity lawyer. After the decease (or supposed decease) of John Sadleir, and the consequent closing of that choice institution, the Tipperary Bank, some months elapsed before the Attorney-General here had finally made up his mind to prosecute. During all or most of this time, James Sadleir was daily to be found at his usual haunts. At length it was announced that the Crown was about to prosecute. Sadleir thereupon, without loss of time, withdrew from the public gaze, and modestly sought the comparative quiet of a lodging in Paris, where he still remains, disbursing the depositors' money with great satisfaction to himself, and doubtless thankful that the Crown officers gave such ample notice of their intention to bring him to justice! If it be urged that it is not the legitimate business of an Attorney-General to take any steps until the papers have been regularly laid before him for his opinion, we can only express our regret that no chief and responsible officer is charged with the duty of instituting prosecutions in proper cases, speedily, and without giving notice to the criminals. Very modern usage must have turned her Majesty's Attorney-General into an exalted semi-judicial kind of potentate; for the very title of the office testifies that it was established for a very different purpose, and must, at one time, have been filled up from the other branch of the profession. The Attorney-General must originally have been the *initiator* of proceedings on behalf of the Crown, and not merely, as he is at present, a dignified adviser on "documents laid before him." It seems to us that it would be a recurrence to old usage, as well as a change likely to prove highly advantageous to the public, were *one* at least of the two superior law offices, to be filled by a real "attorney" or "solicitor," whose express duty it would be to commence proceedings such as we have alluded to, and who, we may be sure, would be most unlikely to delay a prosecution until all the principal criminals were safe on Continental travels. We may be told that there are Crown Solicitors charged with the performance of such duties as the above: these officials are, however, personally respectable—not men of the kind required for the successful conduct of State prosecutions. For the prosecution of a gang of bank directors, the highest class of professional talent would be required: the Crown Attorney ought to be an overmatch in acuteness and legal knowledge for those acute and learned advisers who would, in such a case, conduct the defence. The office in question should therefore remain as it now is—an office of high rank and large emolument; and, consequently, it would be an object of ambition to the very best men in the profession. All that the Crown now offers to the ablest solicitor is a seat in some circumlocution office, with little to do, and one, or perhaps two, thousand a year as remuneration; it follows that no solicitor of high eminence ever dreams of leaving his practice, and entering the public service. But were the Attorney or the Solicitor-General to be all that the title of the office imports, not only would the character and tone of the profession be raised by this stimulus to honourable ambition, but there would be made available for the purposes of public justice a kind of practical ability that has rarely hitherto been brought to bear against the criminal, and the importance of which cannot be over-estimated where Camerons and Sadleirs are to be captured and punished.

EDINBURGH.—*(From our own Correspondent.)*

Since the union between England and Scotland many causes have been gradually operating to produce an assimilation of the laws of the two countries; and, on the other hand, several causes have been operating, though recently with less force, to retard the process.

A comparatively poor nation uniting itself with a much richer one on equal terms is at first naturally jealous of every movement that seems to threaten the destruction of its national identity, while, at the same time, the richer nation is impatient of any interference with its peculiar constitution on the part of its less powerful patron. And there can be no doubt that, for a long time, many Scotchmen viewed with particular concern any changes proposed to be made on their legal system, rightly judging that the preservation of it was the best security for the

preservation of their separate nationality. The most jealous of these patriots suspected a design for the destruction of this nationality, and even believed that Englishmen rejected all legal reform that was suspected to have a Scotch origin.

But it was plain that this narrow-minded jealousy was doomed to yield to the natural current of events which was sweeping over it. As the united nations increased in wealth and importance, and the relations between them became more intimate and complicated, new laws were called for, which received a tone from the opinions which were brought to bear upon them in the united Legislature. The Scotch system itself had been to some extent affected by the circumstance that English judges administered Scotch law in the ultimate Court of Appeal, and the mercantile portion of the community had begun to feel the evils which arose from the administration of dissimilar systems of mercantile law in different parts of what had truly become, or was fast becoming, the same country. The consequence has been, that, while for a long time the subject of the assimilation of the laws of the two countries attracted little notice even from the legal profession, and the progress made was almost imperceptible, the question has of late years attracted so large a share of public attention that the progress has been rapid and strongly marked, and associations have been everywhere formed for the purpose of accelerating and directing the movement, which has had the additional desirable effect of promoting to a large extent legal reform in the two systems, independently altogether of the question of assimilation.

If the feeling of jealousy to which we have referred has lingered longer in Scotland than in England, it must be pleaded in mitigation that Scotchmen have not always been able to make themselves heard in England upon real grievances; but of late there has been a great improvement in this respect, and it must be consolatory to the most inveterate grumblers, to find Englishmen establishing County Courts not differing greatly in constitution from the ancient Sheriff Courts of Scotland, and agitating for the abolition of the jurisdiction of the Ecclesiastical Courts over matters civil, for the reform of the law of divorce, and for the establishment of a system of registration of land rights, on principles which have been admitted and acted upon in this part of the kingdom for centuries. While Englishmen who have watched the rapidity and extent of the changes which have taken place in Scotland of late years, and the eagerness with which further reform is still called for, will be satisfied that proposed improvements, from whatever quarter they come, will meet with no unreasonable opposition from this portion of the empire.

All experience proves, however, that in the present position of the two countries all changes made upon the existing law of either for the purpose of assimilation ought to be adapted to the institutions existing in the respective countries for the administration of the law; and as a means of securing this result associations of the different branches of the legal profession, independently of their higher value as reforming associations, become very important, seeing that they furnish machinery for eliciting opinion on questions of practical difficulty, which often escape the attention of those who may be more exclusively engaged in promoting legal reform in Parliament. The distance of Scotland from the seat of government often renders it difficult to make known in the proper quarter the views of the practical portion of the profession upon measures of reform which may be in progress; and it has not unfrequently happened that changes have been effected, the extent of which has only become understood when they have passed into law. In these circumstances we feel satisfied that the establishment of THE SOLICITORS' JOURNAL, when it comes to be better known in this portion of the kingdom, will be regarded with peculiar satisfaction, as furnishing an accessible medium for the ventilation of the opinions not merely of the legal profession, but of the public generally, upon all questions of legal reform of public interest. For it is plain, that, although legal associations may have the means of collecting the opinions of their own members on such questions, they cannot reach the numerous small bodies of the profession scattered over the kingdom, nor even the larger bodies in the more important towns, with the necessary rapidity, while this journal seems precisely fitted to meet this want. Besides, there are many members of the profession who, on account of their age or the multitude of their avocations, will not take the trouble of attending the meetings of such associations for the purpose of informing themselves of the progress of events, who may be informed by this means of matters of interest, and thus valuable opinions may be elicited that would otherwise have been lost. If such a journal had existed when jury trial in civil causes was first introduced into Scotland, we believe that the measure would not have been encumbered with those unknown forms which were not necessary, and which only increased the difficulty of engrafting the measure upon the existing system, and rendered it long unpopular. There are other grievances to which this observation would apply with equal force, to some of which we may refer more particularly on another occasion.

But the value of the journal is by no means limited to the advantage which may be derived by either nation from the discussion in its columns of projects of exclusive legal reform. It helps to widen the whole basis of such questions, and to collect and disseminate the opinions not only of those more directly interested in any measure that may be under discussion, but also of those who may have some knowledge of the subject, either from practical experience of a similar system or from general study, and who, from looking at the question *ab extra*, may be expected to do so without feeling the disturbing influences which often bias the judgments of those who look at a point with minds long trained to take that view which practice makes familiar. Upon such questions as the proposed change on the law of divorce in England, the amalgamation of the courts of law and equity, and the establishment of a register of land rights, including the registration of securities upon land, we believe that the opinion of Scotchmen who have had practical experience to direct their judgment must be valuable, even although they may not be able to realise the difficulties with which Englishmen may have to contend in dealing with them. And we should not be astonished to find unexpected light thrown upon these subjects by French or American correspondents.

On the subject of registration we propose to make a few observations from time to time, directed chiefly to the practical working of it, which must be the great difficulty to overcome in a country where the relations of life have become so complicated, and, consequently, the transactions in land so numerous, as in England; and upon this point Scotchmen will probably be more disposed now to sympathise with those in England who regard the practical difficulties as insuperable, when they find, as they are certainly beginning to do, that in their own comparatively small country the multitude of transactions has had the effect of rendering it practically a difficult matter to furnish a search which will disclose all burdens with certainty. It must be admitted, too, that the expense of a search is so great here as to induce conveyancers, in many cases, where the transaction is small in amount, to resort to other means for securing their clients against the effect of prior burdens on the property.

It is obvious that the whole value of a system of registration of land rights depends upon its absolute certainty, and the possibility of securing this certainty at a reasonable cost. The Scotch system has ceased to fulfil these essential conditions perfectly, and the consequence is, that a feeling of uneasiness has fallen upon the conveyancers of the whole country. It must not be supposed, however, that although we make these confessions the faith of Scotch conveyancers has been to any extent shaken in the soundness of the principle of registration. They regard the present difficulties as referable merely to defects in organisation and office arrangements, and they are now setting themselves vigorously to discover and apply a remedy.

The Court of Session has met to-day without any change in its constitution, and with a heavy arrear of business to work off. But matters cannot be allowed to remain long in their present position. One section of the legal profession in Edinburgh has already taken up the question. The Society of Solicitors before the Supreme Courts has appointed a committee of its body to consider the question, and their report has already appeared. The Society of Writers to the Signet has taken the same course, and it is understood that the report of their committee is also ready. The bar will probably soon follow the example. The question of principle, which is likely to cause the keenest discussion, is whether the privilege which pursuers at present possess of choosing the court to which they are to resort is to be preserved to them. Without entering into any detail of the constitution of the Court of Session, we may just state, with the view of enabling our readers to understand the question, that the Court is composed of inner house and outer house judges, the former eight in number, constituting two courts of equal jurisdiction and power in every essential particular, called respectively the first and second division, and engaged almost exclusively in disposing of appeals from the outer house judges, who sit in separate courts of equal jurisdiction. The first division happens to have been for many years the more popular court, and the consequence is, that appeals have been heaped upon them till the

accumulation has left them several years in arrear of business. An Act was passed some years ago authorising the inner house to extend its sittings, but this power has been sparingly exercised, probably because it was foreseen that it would only aggravate the evil which the Act was intended to remedy. The sittings of the outer house judges were permanently extended by the same Act; but, nevertheless, there are similar grievances to complain of in their courts. It is believed to be the general opinion of the bar that the power of selecting the judges should be taken away from litigants, and arrangements made for an equal or equitable distribution of business. This opinion is not, we believe, generally adopted by the other branches of the legal profession in Edinburgh, though no doubt it has many supporters. But this is not the only *quæstio vexata* in regard to the Supreme Civil Court in Scotland: the length of the vacations is justly felt to be excessive. The inner house rises on the 12th, and the outer house on the 20th of March, for the spring vacation, and neither Court sits again till the 20th of May. The whole Court rises again for the autumn vacation on the 20th of July, and the outer house does not sit again till the 1st, and the inner house till the 12th of November. It is true, that the judges have many duties to perform in vacation as criminal judges and otherwise, but they are far from being fully worked, and those who are accustomed to the very different state of affairs in England will probably consider that the public in Scotland has a just ground of complaint on this head.

## PROCTORIAL MONOPOLY.

*To the Editor of* THE SOLICITORS' JOURNAL & REPORTER.

SIR,—I observe the Lord Chancellor alleges as a reason for excluding our profession from practising in the new Court of Probate that solicitors have petitioned in favour of such exclusion.

If solicitors do not wish to practise in the new court, I apprehend they need not do so, even if they were permitted; and, therefore, if any solicitors really support the exclusion, I apprehend it must be because they have some interest opposed to that of the generality of the profession.

As petitions have so much influence on the Chancellor, perhaps a petition signed by those solicitors who desire the privilege of practising in the new Court of Probate might obtain their object.

Yours obediently,

London, May 27, 1857. A SOLICITOR.

## ATTORNEY'S LIABILITY FOR NEGLIGENCE.

The following remarks on this subject by an eminent solicitor deserve attention:—

I cannot understand (at least, I suppose I do not, because, if I do, I cannot but think them monstrous) the recent cases before Lord Campbell of an action by and against an attorney, where the question was whether his not availing himself of the 3rd section of the Common Law Procedure Act, 1854, was negligence.

Certainly, I have nothing to say for the attorney or his agent themselves after their own admission on the trial that they were ignorant of the provisions of the Act; such ignorance is inexcusable.

But it cannot, I should think, be negligence in a legal sense (however gross it may be in an ordinary one), for an attorney to be ignorant of the provisions of an Act, of which, if he had known them, it would not have been his duty to avail himself.

Was that his duty in this case? All that appears on the report is that the defendant had given a bond for £1,000, and that he said he had paid £450 on account.

Is this "a matter of mere account which cannot conveniently be tried in the ordinary way," which are the words of the section?

If the plaintiff did not dispute the alleged payment, there was nothing to be tried. If she did, was it not a proper question for a jury. *Quâcunque viâ*, how can it be within the section?

But, further, I contend that the question is not whether the case was really within the 3rd section of the Act or not; but whether it was *so clearly* within it as to render it the duty of an attorney to know that it was so. If it be *reasonably doubtful*, that doubt is itself a defence of Mr. Chapman.

Again, supposing the case to be clearly within the Act, what is the proper measure of damages? Surely, it is simply how much of *defendant's own means*, which would otherwise have been available for satisfaction of plaintiff's claim, have been withdrawn or lost by the delay; not, what was her chance of *extorting money* from the relatives of the lady whom defendant was about to marry, by arresting him on the wedding-day—a proceeding utterly abhorrent to any honourable mind, and differing from robbery only in its being without the pale of legal responsibility.

Yet this, so far as I can understand the reported case, seems to have been considered the duty of an attorney by the Lord Chief Justice of England!

# Reports of Professional Insurance Offices.

## LAW FIRE INSURANCE SOCIETY.

This Society held their annual general meeting on the 26th May, 1857, at the Society's office, Chancery-lane, London, at which the Report of the directors was read, and unanimously adopted.—It was nearly as follows:—

Your directors submit the usual comparative statement of the transactions of the Society in the year 1856, with those of the one immediately preceding it.—The sum insured in the year 1856 was £19,319,306; in the year 1855, £18,404,885; being an increase of £914,421.—The premium received in the year 1856 amounted to £21,715; in the year 1855, to £20,667; being an excess of £1,048.—The aggregate amount of duty paid to Government in the year 1856 was £28,929; in the year 1855, £27,525; showing an increase of £1,404.—It may be in the recollection of the shareholders that the amount of claims for loss made upon, and paid by, the Society during the year 1855 considerably exceeded that of any previous year; but that the average for the ten years during which the Society had then been in existence, was below that which the experience of other fire offices had exhibited. It will be seen by the transactions for the year 1856, that the ratio of loss to premium is similar to that of the years antecedent to 1855; and the directors think this affords an additional confirmation of the opinion they have always entertained, and from time to time expressed, of the excellent character of the risks of which the Society's business is composed.—The items of receipt and expenditure will be as usual read to the meeting, from the detailed accounts examined and signed by the auditors of the Society; from these accounts it will appear that the excess of receipt over expenditure for the year 1856, after payment of £6,250 interest to the proprietors, was 7,700*l.* 1*s.* 4*d.* in favour of the Society.

The following epitome of the balance-sheet will show the position of the affairs of the Society, on the 31st December, 1856:—

| | £ | s. | d. | £ | s. | d. |
|---|---|---|---|---|---|---|
| Shareholders paid-up Capital | | | | 125,000 | 0 | 0 |
| Amount of Reserved Fund at end of 1855 | | | | 33,926 | 12 | 6 |
| Receipts for 1856 | 65,664 | 0 | 5 | | | |
| Payments for 1856, exclusive of Interest to the Proprietors | 51,713 | 19 | 1 | | | |
| | 13,950 | 1 | 4 | | | |
| Interest to Shareholders, 1856 | 6,250 | 0 | 0 | | | |
| Balance of General Insurance Account in favour of the Society at end of 1856 | | | | 7,700 | 1 | 4 |
| | | | | £166,626 | 13 | 10 |
| LIABILITIES. | | | | | | |
| Balance in hand due to Commissioners of Stamps for Duty for Christmas Quarter, 1856 | 8,419 | 17 | 5 | | | |
| Balance of unclaimed Interest and Bonus due to Shareholders | 1,763 | 13 | 0 | | | |
| | | | | 10,183 | 10 | 5 |
| Total Balance at end of 1856 | | | | £176,810 | 4 | 3 |

This Balance is composed of the following items—viz.

| | | | |
|---|---|---|---|
| Government Securities—Cost | 66,394 | 12 | 9 |
| Mortgages and other Securities | 81,000 | 0 | 0 |
| Freehold Property in Chancery-lane | 9,836 | 0 | 8 |
| Houses in Gloucester-gardens | 7,133 | 11 | 11 |
| London Joint-Stock Bank on Deposit | 5,000 | 0 | 0 |
| Sundry Balances—Bankers, Agents, &c. | 7,445 | 18 | 11 |
| | £176,810 | 4 | 3 |

Your directors, governed by the favourable results of the Society's business for the past year, have determined on appropriating the sum of £6,250 as a bonus to the shareholders; they, therefore, declare an interest for the year ending at this meeting of 2*s.* 6*d.* per share, being 5 per cent. upon the paid-up capital of the Society, and also, in addition to such interest, a bonus of 2*s.* 6*d.* upon each share. The balance, 7,700*l.* 1*s.* 4*d.*, of the general insurance account in favour of the Society for the year 1856, after deducting therefrom the amount of such bonus, £6,250 will be carried to the reserved fund, the growth of which has afforded such satisfaction to the proprietors, and which fund, thus increased, will amount to 35,376*l.* 18*s.* 10*d.*

## SOLICITORS' AND GENERAL LIFE ASSURANCE SOCIETY.

The eleventh annual general meeting of the proprietors of this office was held on May 25th, at the Gray's-inn Coffee-house; Mr. S. E. Doune presided. The report of the directors stated, that, during the year ending that day, "the society has issued 236 policies, assuring £123,039, the annual premiums on which amount to £3,785, and has granted three annuities amounting to 36*l.* 13*s.* 7*d.* per annum. The claims which have arisen in the same period amount, with the bonuses, to £11,870, which sum is reduced to £10,870, a re-assurance in £1,000 having been effected in another office on one of the lives assured. From the commencement of the society to the present time the premiums received in respect of lapsed and discontinued policies have sufficed (after deducting the sums paid as consideration for the surrender of policies) to pay upwards of 55 per cent. of the total losses experienced. The income of the society derivable from premiums is now £25,240, and from investments £4,458, making an annual income of £29,698. The number of policies in force (exclusive of thirty-two annuities, amounting to £1,346 per annum) is 1,577, assuring the sum of £783,536, and producing, as before stated, an annual revenue of £25,240." The report, after some conversation, was adopted. Baron Watson, R. Malins, Esq., M.P., and Sir F. Kelly, M.P., were elected as new trustees of the society, and the directors retiring by rotation were severally re-elected. Mr. Druce was elected a director. A motion was made that £500 be paid to the directors for their past services; but an amendment was proposed to extend that sum to £700, which, after a brief discussion, was carried by a large majority. The retiring auditors were re-elected; and thanks having been voted to the scrutineers and the chairman, the meeting separated.

At a preliminary meeting, convened for the purpose, a resolution was come to recommending that henceforth the valuation and division of profits should be made quinquennially, instead of triennially.

# Pending Measures of Law Reform.

## PROBATES AND ADMINISTRATION BILL.

*(As amended in Committee.)*

This Bill proposes to abolish the testamentary jurisdiction of ecclesiastical and other courts in England, and that the same shall be exercised in the name of her Majesty in a court to be called the Court of Probate, of which there shall be one judge, who must have been an advocate of ten years' standing, or a barrister-at-law of fifteen years' standing. It is proposed to establish district registries (sec. 13), and that the clerks and officers of the Prerogative Court shall be transferred to like offices in the Court of Probate (sec. 16), existing diocesan registrars being entitled to be district registrars at the same places. The Court (sec. 23) to have throughout all England the same powers as the Prerogative Court now has within the province of Canterbury; and all duties which, by statute or otherwise, are imposed on or should be performed by ordinaries generally, or on or by the Prerogative Court, in respect of probates, administrations, or matters or causes testamentary within their respective jurisdictions, are to be performed by the Court of Probate; but no suits for legacies, or suits for the distribution of residues, shall be entertained by the Court. The registrars, &c., are to have power to administer oaths, and there are also to be commissioners to administer oaths, &c. The procedure and practice of the Court of Probate, except where otherwise provided by the Act, or by the rules or orders to be from time to time made under it, so far as the circumstances of the case will admit, are to be according to the present procedure and practice in the Prerogative Court. The witnesses (sec. 31), and, where necessary, the parties, in all contentious matters where their attendance can be had, are to be examined orally by or before the judge in open court; but the parties are to be at liberty to verify their respective cases, in whole or in part, by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, be subject to be cross-examined orally in open court, and after such cross-examination may be re-examined. The rules of evidence observed (sec. 33) in the superior Courts of Common Law at Westminster are to be applicable to and observed in the trial of all questions of fact in the Court of Probate; and (sec. 34) it is to be lawful for the judge of the Court of Probate to sit with the assistance of any judge or judges of any of the superior courts of law at Westminster, who, upon the request of the judge of the Court of Probate, may find it convenient to attend for that purpose.

Sec. 35 empowers the Court of Probate to direct an issue on any question of fact arising in any suit or proceeding under this Act to be tried in any of the superior Courts of Common Law, in the same manner as an issue may now be directed by the Court of Chancery. An issue is to be so directed in any case where an heir-at-law, cited or otherwise made party to the suit or proceeding, makes application to the Court of Probate for that purpose, and in any other case where all the parties to the suit or proceeding concur in such an application; and where any party or parties, other than such heir-at-law, make a like application, the other party or parties not concurring therein, and the Court shall refuse to direct such issue, such decision of the Court shall be subject to Appeal, as therein provided. Where an issue is directed, all motions for new trials shall be made in the court of common law.

Sec. 37 gives an appeal to her Majesty in Council, and such appeal is to be referred to the House of Lords; but no appeal from any interlocutory order of the Court of Probate is to be made without leave of the Court first obtained.

Advocates (sec. 38) are to be entitled to practise in all matters and causes whatsoever in the Court of Probate; and serjeants and barristers-at-law to practise in all *contentious* matters and causes in the said court. All persons who at the time of the passing of the Act shall have been admitted as advocates shall be entitled to practise as counsel in any of her Majesty's courts of law or equity in England, in like manner in all respects, and with the same rank and precedence, and with the same eligibility to appointments under Acts of Parliament or otherwise, as if they had respectively been duly called to the degree of barrister-at-law on the days on which they respectively were so admitted as advocates.

By sec. 40, every person who at the time of the passing of the Act is actually practising as a proctor in Doctors' Commons may be admitted a proctor of the Court of Probate, without payment of any fee or stamp duty; and, except as therein otherwise provided, the admission of persons to be proctors of the court shall be in the discretion of the judge, subject to the rules or orders to be made under the Act. And the proctors for the time being of the Court of Probate shall have the same rights, and be subject to the same obligations and liabilities, in respect of the transaction of the common form business, as the proctors of the Prerogative Court now have and are subject to in respect of the common form business of that Court; provided that nothing therein contained shall give any proctors now practising, or any persons hereafter admitted, any title to compensation in case the transaction of the business of the Court of Probate be thrown open to any other class of persons. It shall be lawful for the judge of the Court of Probate to admit any persons to practise as proctors in all or any of the district registries of the court, but nevertheless parties may apply to such district registries without the intervention of proctors.

Sec. 41 provides, that every person who at the time of the passing of the Act is actually serving or has served as an articled clerk to a person entitled to act as a proctor in the courts at Doctors' Commons, or in any ecclesiastical court in England, and who has not been admitted as a proctor, shall be entitled, at any time within one year after his having completed his full term of service as such articled clerk, to be admitted a proctor of the Court of Probate.

In all *contentious* causes and matters (sec. 42) solicitors and attorneys are to be at liberty to practise in the Court of Probate, with the same rights and subject to the same obligations and liabilities as proctors of the court.

Sec. 43 provides that probates and administrations may be granted in common form by district registrars in certain cases; but (sec. 45) the district registrar is not to grant probate or administration in any case in which there is contention as to the grant, until such contention is terminated or disposed of by decree or otherwise, or in any case where it otherwise appears to him that probate or administration ought not to be granted in common form. In cases of doubt (sec. 46) as to grant, he is to transmit a statement of the matter to the registrars of the Court of Probate, who are to obtain the direction of the judge in relation thereto. District registrars (sec. 47) are to transmit to the principal registry a list of the grants of probate and administration made by such district registrar, and also a copy of every will to which any such probate or administration relates. District registrars (sec. 48) are to preserve original wills.

Where it shall appear (sec. 50) by affidavit of the person

applying for probate or administration, that the personal estate in respect of which such probate or administration should be granted, exclusive of what the deceased possessed as a trustee, but without deducting anything on account of the debts of the deceased, is under the value of £200; and that the deceased, at the time of his death, had no real estate, or that the value of his real estate was under £300, the judge of the county court having jurisdiction in the place in which it shall be sworn that the deceased had at the time of his death his fixed place of abode, shall have the contentious jurisdiction and authority of the Court of Probate in respect of questions as to the grant and revocation of probate of the will or administration of the effects of such deceased person, in case there be any contention in relation thereto; and the registrar (sec. 51) of such county court is to transmit certificate of decree for grant or revocation of probate. The affidavit of the facts giving the county court jurisdiction is to be conclusive (sec. 53), unless disproved while the matter is pending. Sec. 54 gives an appeal from the judge of the county court to any of the superior courts of common law, in like manner as is provided by the 13 & 14 Vict. c. 61. There is to be an option (sec. 55) of applying to Court of Probate in every case. Where a will affecting real estate (sec. 57) is to be proved in solemn form, or is the subject of a contentious proceeding, the heir and persons interested in the real estate are to be cited. Where the will (sec. 58) is proved in solemn form, or its validity otherwise decided on, the decree of the Court is to be binding on the persons interested in the real estate. The heir in certain cases (sec. 59) is not to be cited, and where not cited he is not to be affected by probate. Probate or office copy (sec. 60) is to be evidence of the will in suits concerning real estate, save where the validity of the will is put in issue.

Sec. 62 proposes that there shall be one place of deposit under the control of the Court of Probate, in London or Middlesex, in which all the original wills brought into the Court, or of which probate or administration with the will annexed is granted under this Act in the principal registry thereof, and copies of all wills the originals whereof are to preserved in the district registries, shall be deposited and preserved.

Sec. 66 enables the Court, pending any suit touching the validity of the will, or for obtaining, recalling, or revoking any probate or any grant of administration, to appoint a general administrator of the personal estate of such deceased person without the right of distributing the residue of the personal estate; and the Court may appoint, under sec. 67, a receiver of real estate *pendente lite*.

All pending suits except appeals are to be transferred to the Court of Probate; and power is given (sec. 80) to judges whose jurisdiction is determined to deliver written judgments in causes standing for judgment within six weeks after the commencement of the Act. Depositories are to be provided (sec. 86) for the wills of living persons, who may deposit their wills therein, upon payment of certain fees. The Act is not to affect the stamp duties on probates and administrations (sec. 87). The judge of the Court of Probate is to fix a table of the fees to be taken by officers of court and by officers of county courts (sec. 90). None of the fees payable to the officers of the Court of Probate or of any county court in respect of business under the Act, except the fees of the district registrars for their own use, the fees of proctors, &c., are to be received in money, but by stamps (sec. 92).

Sec. 96 gives power to the Commissioners of the Treasury to grant to any judges, registrars, and other persons holding office in existing courts, who may sustain any loss of emoluments by reason of the passing of the Act, and who are not transferred or appointed by or under the Act to offices in the Court of Probate, such compensation as having regard to the tenure and nature of their respective offices and appointments, notwithstanding the provisions of the 6 & 7 Will. 4, c. 77, s. 25, &c., the said Commissioners deem just and proper.

The remaining clauses principally relate to the compensation of particular individuals, and to the management of the fee fund. The following is the definition of common form business in the interpretation clause:—

> Common form business shall mean the business of obtaining probate and administration where there is no contention as to the right thereto, including the passing of probates and administrations through the Court of Probate in contentious cases when the contest is terminated, and all business of a non-contentious nature to be taken in the Court in matters of testacy and intestacy, not being proceedings in any suit, and also the business of lodging caveats against the grant of probate or administration.

## DIVORCE AND MATRIMONIAL CAUSES BILL.

Sect. 2 proposes to enact that as soon as the Act shall come into operation, all jurisdiction now exercisable by any ecclesiastical court in England in respect of divorces *à mensâ et thoro*, and in all matters matrimonial, shall cease to be so exercisable, except so far as relates to the granting of marriage licences.

Sects. 3, 4, and 5 relate to the enforcement of prior decrees or orders, pending suits, and the jurisdiction of the present judges in relation to causes standing for judgment.

By sect. 6 all jurisdiction over causes matrimonial is to be exercised in the name of her Majesty in a court of record to be called "The Court of Marriage and Divorce," to consist of (sect. 7) the Chancellor, the Chief Justice of the Queen's Bench, the Chief Justice of the Common Pleas, the Chief Baron of the Exchequer, and the Judge of her Majesty's Court of Probate, constituted by any Act of the present session; any three of them, of whom the judge of the Court of Probate shall be one, to be a *quorum*.

The judge of the Court of Probate is to be called (sect. 8) the Judge Ordinary of the said court, and is to have full authority, either alone or with one or more of the other judges of the said court, to hear and determine all matters arising therein, except petitions for the dissolving of a marriage, and applications for new trials of questions or issues before a jury, and, except as last aforesaid, such Judge may exercise all the powers and authority of the said court; and (sect. 9) during the temporary absence of the Judge Ordinary, the Lord Chancellor may authorise the Master of the Rolls, or either of the Lords Justices, or any Vice-Chancellor, or any judge of the superior courts of law at Westminster, to act as Judge Ordinary of the said Court of Marriage and Divorce, and the Judge so acting is to exercise all the jurisdiction which might have been exercised by the Judge Ordinary alone.

Sects. 10, 11, and 12 relate to the sittings, the seal, and the officers of the court.

Sect. 13 proposes that all persons who have been admitted to practise as advocates or proctors respectively in any ecclesiastical court in England are to have the exclusive right of practising in the court in all matters which the Judge Ordinary may, without the concurrence of any other judge, hear and determine; and the advocates and proctors, and also all barristers, attorneys, and solicitors entitled to practise in the superior courts at Westminster, are to be entitled to practise in the court in all cases of petitions for the dissolving of a marriage, subject to such regulations as may be made by the said court.

By Sect. 14, in all suits and proceedings other than proceedings to dissolve any marriage, the court is to give relief on principles conformable to those on which the ecclesiastical courts have heretofore acted, but subject to the provisions contained in this Act, and to the rules and orders under it.

Sect. 15 enables any wife to present a petition to the said court praying for a divorce *à mensâ et thoro* on the ground that she has been deserted by her husband, and that such desertion has continued without reasonable excuse for two years or upwards and the court, on being satisfied of the truth of the allegations of such petition, may, if it shall see fit, decree a divorce *à mensâ et thoro* accordingly, and may make any order for alimony which it may deem just, and may (sect. 16) direct payment of alimony to wife or trustee.

Under sect. 17 a wife divorced *à mensâ et thoro* is to be considered as to property a *feme sole*; and also (sect. 18) for purposes of contract and suing.

By sect. 19, on adultery of wife or incest of husband, a petition for dissolution of marriage may be presented.

Sect. 22 enables the Court to pronounce a decree declaring a marriage to be dissolved; but the Court is not to be bound to pronounce such decree if the petitioner shall, in the opinion of the Court, have been guilty of unreasonable delay in presenting or prosecuting his petition, or of cruelty towards the other party to the marriage, or of having deserted the other party before the adultery complained of, and without reasonable excuse.

Under sect. 23 the Court may, on decree, on the petition of a husband, make it a condition that the petitioner shall, to the satisfaction of the Court, secure to the wife such gross sum of money, or such annual sum of money for any term not exceeding her own life, as, having regard to her fortune (if any), to the ability of the husband, and to the conduct of the parties, it shall deem reasonable.

Sect. 24 gives the Court power, before making its final decree, to make interim orders, and to make provision, in the final decree, with respect to the custody, maintenance, and education of the children.

Questions of fact (sect. 25) may be tried before the Court and

a jury, as at *Nisi Prius*; or the Court may (sect. 26) direct issues to try any fact.

The remaining part of the Bill relates for the most part to procedure only. The 32nd section enacts that witnesses shall be sworn and examined orally in open court; provided that parties shall be at liberty to verify their respective cases in whole or in part by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, or by direction of the Court, be subject to be cross-examined orally in open court, and after such cross-examination may be re-examined by the party by whom such affidavit was filed; and by sect. 34 the rules of evidence observed in the superior courts of common law at Westminster are to be applicable to and observed in the trial of all questions of fact in the Court of Marriage and Divorce.

It is proposed (sect. 41) that there should be an appeal from the Judge Ordinary to the full Court; and (sect. 42) an appeal thence to the House of Lords in case of petition for dissolution of a marriage; but no such appeal to the House of Lords shall be had on any matter except on a question of law to be stated in a case to be prepared by the party appealing and approved of by the Court.

By sect. 43 liberty is given to parties to marry again when the time limited for appealing shall have expired, and no appeal shall have been presented, or when any such appeal shall have been dismissed, or when in the result of any appeal any marriage shall be declared to be dissolved.

By sect. 44, after the Act shall have come into operation, no action shall be maintainable for criminal conversation unless the person bringing the same shall have first obtained, under the provisions of this Act, a final decree dissolving his marriage.

The following clause has been added upon the motion of Lord St. Leonards: Where a wife is deserted by her husband, and that desertion has continued without reasonable excuse for one year or upwards, and the wife is maintaining herself by her own lawful industry, it shall be lawful for the wife to make application to any justice of the peace, and show cause that she has reason to fear that her husband or her husband's creditors will interfere with her earnings, and thereupon it shall be lawful for the justice to give to the wife an order restraining the husband, or creditor, from interfering with the wife's earnings or property in manner aforesaid; which order shall be in force for six months from the date thereof, unless sooner discharged or varied by an order of two or more justices of the peace in petty sessions, and while in force shall protect the wife and her earnings and property aforesaid against all actions, &c., by the husband or creditor; and any such wife shall be at liberty to apply for a renewal of such order at the expiration of the former order; and any person acting in wilful disobedience to any such order, shall be liable to a fine, and in default of payment, to imprisonment.

## Parliamentary Proceedings.

### HOUSE OF LORDS.

*Friday, May 22.*

PROBATES AND LETTERS OF ADMINISTRATION BILL.

The House went into committee on this Bill.

Clause 1 was agreed to. Upon clause 2,

Lord ST. LEONARDS moved an amendment, the object of which was to withdraw real estates from the jurisdiction under this Bill.

The LORD CHANCELLOR opposed the amendment, and said that the Bill would not involve the necessity of probate of real estate in ordinary cases; but he proposed, that, when there was a contest, probate should be conclusive both as to real and personal estate.

The committee divided. The numbers were:—For the amendment, 35; against it, 56—majority, 21.

The clause was then agreed to, as were also clauses 3 and 4.

On clause 5, Lord WYNFORD observed, that, on the previous discussion, the Lord Chancellor had represented that it was the opinion of Dr. Lushington that one judge would be sufficient for all the duties—Admiralty, matrimonial, and probate. He was informed, however, that the opinion of that learned gentleman had since been modified, and that he was inclined to think that one judge would not be adequate for the purpose. He, therefore, wished to know whether it was intended to leave the present clause as it now stood?

The LORD CHANCELLOR was afraid that he had unintentionally gone beyond what his learned friend authorised him to say. The learned gentleman was now inclined to think, without expressing a confident opinion on the point, that one judge would not be sufficient, in consequence of the increase of Admiralty business. It was, however, unnecessary to make any alteration in the present clause.

This clause was then agreed to; and clauses 6 to 22 inclusive, with some amendments.

Upon clause 23, which provides that the Court shall have throughout all England the same powers as the Prerogative Court within the province of Canterbury,

The LORD CHANCELLOR, in reply to suggestions of Lords ST. LEONARDS and CAMPBELL, acknowledged the desirability of making probates everywhere interchangeable; but said, that they would first make this Bill perfect for England, after which there would be no difficulty in framing an Act to extend to Scotland and Ireland.

The clause was then agreed to; as were clauses 24 to 36.

On clause 37, Lord ST. LEONARDS proposed that the appeal should be to the House of Lords instead of to the Privy Council. To which the LORD CHANCELLOR assented, and the clause as thus amended was agreed to.

Clauses 38 to 95 were then agreed to, after certain verbal alterations.

On clause 96, the Bishop of LONDON observed, that no provision was made for the payment of the Chancellor and Registrar of the diocess of London; and he hoped, that, before the report was brought up, the noble and learned lord would provide for the payment of those important officials, not only in the diocess of London, but in other dioceses.

The LORD CHANCELLOR said, that, although he could not admit the propriety of imposing a tax on the probate of wills in order to maintain ecclesiastical officials, he would consider the suggestion of the right rev. prelate.

The clause was then agreed to, as were also the remaining clauses of the Bill, and the schedules.

*Monday, May 25.*

DIVORCE AND MATRIMONIAL CAUSES BILL.

The House went into committee on this Bill.

Clauses 1 to 5 inclusive were agreed to. On clause 6, The LORD CHANCELLOR, in reply to Earl GREY, said, it was not his intention to propose that questions arising under the present Bill should be decided by county court judges.

Earl GREY said, it seemed to him to be a bad practice to constitute courts of persons whose time was at present fully occupied by other business. It was perfectly clear, that, if the tribunal was constituted as now proposed, one of two things must happen—either such a scale of fees would be created as would debar all persons who could not command a large sum of money, or the court must very soon be choked up by the mass of business that would come before it. He thought that kind of divorce which simply implied separation ought to be made more accessible than this Bill made it to the humbler classes of society. The right course would be, to allow a wife, in cases of cruelty, to apply to the ordinary tribunals for a separation, instead of being compelled to go to a special tribunal appointed for that purpose. The ordinary tribunal might have the power to hear the case, and then report the result to some central authority that might be constituted, that authority being enabled to grant divorce *à mensâ et thoro*.

Lord CAMPBELL thought that the court proposed by the Bill was the best that could be formed for that purpose; and he doubted whether the new court would be at all overborne by the weight of business.

The clause was then agreed to; as were also clauses up to 13.

After clause 14, Lord St. LEONARDS moved to insert a clause giving a woman deserted by her husband for one year or upwards a short and summary remedy for the protection of her property, by application to a justice of the peace, whose order, restraining the husband from interfering with her property, should be in force for six months, unless appealed against and renewable.

Lord CAMPBELL thought the amendment would produce great confusion. The object was most laudable, but the means were utterly futile.

The proposed clause was agreed to on a division—Contents, 52; non-contents, 44: majority, 8.

Clause 15 was, upon the motion of Lord St. LEONARDS, negatived.

On clause 19 the Earl of DONOUGHMORE moved, as an amendment, that a wife should be placed upon the same footing as her husband with regard to divorce *à vinculo matrimonii*.

Lord LYNDHURST supported the amendment.

The LORD CHANCELLOR and Lord CAMPBELL opposed it; and, on a division, it was rejected.

Lord LYNDHURST proposed an amendment to the clause, to the effect that wilful and malicious desertion for five years should be a sufficient ground on which a dissolution of marriage might be pronounced.

The LORD CHANCELLOR opposed the amendment as one which would lead to the greatest difficulties.

Lord CAMPBELL thought the amendment was contrary to the principle of the Bill, which was to change, not the law of divorce, but the administration thereof.

On a division, the majority against the amendment was 89.

On clause 21, the Earl of MALMESBURY moved an amendment prohibiting persons from petitioning for divorce who should be proved to have notoriously cohabited together before marriage.

The LORD CHANCELLOR saw no objection to the introduction of a provision to meet such cases, and said he would consider the subject before the report was brought up.

The clause was then agreed to, as was also clause 22.

On clause 23, the Bishop of OXFORD called attention to the circumstance that the Bill made no provision for the allowance of alimony to a wife who obtained a divorce against her husband.

The LORD CHANCELLOR expressed his readiness to consider the propriety of altering the clause.

The Earl of DERBY gave notice that Lord St. Leonards would bring forward on the report a clause constituting adultery a misdemeanor, and imposing a fine on the adulterer.

On the 43rd clause, giving liberty to parties to re-marry, the Bishop of OXFORD moved that it be omitted.

The Archbishop of CANTERBURY proposed, as an amendment, that the liberty of re-marriage should be restricted to the party on whose petition the marriage shall have been dissolved; which was carried.

Lord CAMPBELL moved, it being then nearly 1 o'clock, that the House should resume; which was agreed to.

*Thursday, May 28.*

PROBATES AND LETTERS OF ADMINISTRATION BILL.

On the bringing-up of the report of amendments, Earl STANHOPE objected to the transfer of the right of appeal from the Privy Council (as it originally stood in the Bill) to the House of Lords. If the amendment was adhered to, he thought their appellate jurisdiction ought to be placed on a more satisfactory footing than at present.

The Earl of MALMESBURY presented a petition from the proctors of Doctors' Commons against the Bill, signed by 87 out of 104 proctors, setting forth that the Bill if passed would reduce the supposed amount of their profits from £90,000 to £15,000 a-year.

Lord WYNFORD instanced the more liberal manner in which another class of practitioners were to be treated, compensation being guaranteed to the office-holders in the different episcopal courts throughout the country. A great many of those offices were held by persons who had never practised in any court whatever.

The LORD CHANCELLOR said, he intended by an alteration of the 96th clause in the Bill to restrict compensation to persons who had actually discharged duties.

The report was then received.

TRANSPORTATION AND PENAL SERVITUDE BILL.

This Bill was read a second time, and ordered to be committed on Friday, June 5th.

DIVORCE AND MATRIMONIAL CAUSES BILL.

The House having resolved into committee on this Bill, the Bishop of OXFORD asked permission to move a proviso at the end of the 43rd clause to enable clergymen on conscientious objections to refuse to perform the marriage service over any person who had been married and divorced during the lifetime of the party from whom he or she had been divorced. Which was lost on a division by a majority of 52.

On clause 44, relating to the action for criminal conversation, the LORD CHANCELLOR stated his reasons for leaving the action of crim. con. untouched, as in a former Bill, but enabling it to be brought after divorce was obtained, thus making it a condition precedent that the wife's guilt should be established.

Lord LYNDHURST objected to the principle of the law as it now existed, and proposed therefore, by way of amendment, to strike out words in the clause, the effect of which would be to abolish altogether the action of crim. con.

Lord WENSLEYDALE opposed the amendment, believing the action of crim. con. to be coeval with the law of England, and its principle recognised by several of the continental nations. And he objected to the postponement of the action until after a divorce was obtained, because it would preclude Roman Catholics from obtaining any redress for injuries of this nature.

Lord CAMPBELL considered the action of crim. con., as now existing, a discredit to the law of this country, which was almost the universal opinion of the English bar and of the English people. He should vote for the amendment, with the understanding that some substitute should be brought forward, treating the offence as a crime.

Earl GRANVILLE suggested, as their lordships seemed agreed that there was great objection to the present system of bringing an action for damages, and also that there was difficulty in finding a sufficient substitute, that the amendment should be now withdrawn, on the understanding that the whole subject should be considered on the report.

The Earl of DERBY suggested that the words now proposed to be left out should be omitted, and that the first words of the proposition of Lord St. Leonards should be embodied in the Bill, so that the effect of the clause would be to provide that it should not be competent for any person to bring an action for damages for criminal conversation, but that whoever should commit adultery with a married woman should be deemed guilty of a misdemeanour.

The LORD CHANCELLOR said that he would have no objection to that, and the clause as amended was agreed to.

The remaining clauses and the preamble were agreed to.

The House resumed, and the Bill was reported.

## HOUSE OF COMMONS.

*Friday, May 22.*

TRANSPORTATION AND PENAL SERVITUDE BILL.

Several members urged the postponement of the third reading; which was resisted by Sir G. GREY, and the Bill ultimately passed.

*Monday, May 25.*

THE GRAND JURY SYSTEM.

Sir. F. THESIGER gave notice that on Tuesday, the 9th of June, he should ask for leave to bring in a Bill to dispense with the attendance of grand juries at the Central Criminal Court and courts of quarter session within the police district, except in certain cases.

THE INNS OF COURT.

The ATTORNEY-GENERAL, in reply to Mr. WARREN, said that her Majesty's Government had expected that the Inns of Court would have voluntarily adopted the measures recommended by the commission for securing the great object of providing for the effectual education of students for the bar. He was sorry, however, to say that there was a division between the different Inns of Court upon the subject. The Inner and Middle Temple were desirous of carrying out the plan proposed by the commissioners, but Lincoln's-inn and Gray's-inn were opposed to such a course, a resolution to that effect having been passed by a majority of one vote. If that state of things should continue, it would be the duty of Government to introduce a Bill upon the subject, but they did not intend to do so until next session.

*Thursday, May 28.*

JOINT-STOCK BANKS.

Mr. HEADLAM asked whether Government intended to introduce a measure during the present session to regulate the construction of joint-stock banks, and more especially to apply the principle of limited liability to such establishments?

The CHANCELLOR of the EXCHEQUER answered in the affirmative.

JOINT-STOCK COMPANIES, &c., BILL.

This Bill was read a second time, the ATTORNEY-GENERAL having expressed his readiness to consider any alterations which might be proposed in it in committee.

## PRIVATE BILLS.

FRIDAY EVENING.

The last week has been rather a dull one as regards business. The House did not sit on Tuesday, out of compliment to her Majesty's birthday; and Wednesday being the Derby day, hon. members gave themselves a holiday, and no doubt a House could have been made without much trouble on Epsom Downs. The committees followed the example of the House, except "the Liverpool group," "the Broad and Narrow group," and "the Lancaster and Carlisle group," which stuck to their work as usual. The Broad and Narrow Gauge Committee are going

into the whole of the old question. The South-Western case is closed, and the counsel for the opposing landowners and the Salisbury Market-house Company have been heard against the South-Western Bill; and the first witness for the Southampton, Bristol, and South Wales Company has been called. Several witnesses have been examined on behalf of the South-Western Company, including some of the leading City men engaged in colonial trade, one of the great questions being whether Southampton will ever become a port for colonial produce, so as to compete with London and Liverpool. The arrangements between the broad and narrow gauge have also occupied much attention. It may safely be calculated that, inclusive of the Whitsuntide holidays, another fortnight or three weeks must elapse before the committee decide on the two schemes.

The Liverpool Group Committee have been mainly occupied on the Mersey Conservancy Bill, which, in plain English, is a contest between Manchester and Liverpool. If the Mersey Bill is passed, the effect will be, that the power of regulating the port will remain in the hands of the corporation, but the funds, amounting to a very large sum, will be devoted to the improvement of the port, and taken out of the private management of the corporation of Liverpool. Sir James Graham is in the chair, and no doubt the whole matter will be sifted to the bottom; but the question is, whether there will be sufficient time left to get the Bills through second reading in the Lords before the 21st of July, which is the last day for so doing. The cause of Manchester being interested in the question is, that Manchester goods are liable to the port dues of Liverpool, and the manufacturers are trying hard to obtain emancipation.

The question before the Lancaster and Carlisle Committee involves, in fact, a death struggle between the Great Northern, and North-Western, and Midland Companies. The length of line in dispute is of small importance as regards distance, but the object aimed at by the Great Northern is to get on to the North-Western line, and so book through from the Great Northern Station in London to Glasgow and Edinburgh. If the Great Northern succeed, they will have by far the shortest route to Scotland, and doubtless there will be a ruinous competition, similar to that which took place a few months back, when both companies, Great Northern and North-Western, were carrying passengers *to Peterborough and back*, first class, for three or four shillings. At the first blush, the Great Northern Bill looks like, what is called in Parliamentary language, a "cuckoo's-nest scheme," or, in other words, an attempt by one company to lay their eggs in another bird's nest. With such an able and industrious chairman as Sir James Buller East, there is no fear but that ample justice will be done. Mr. Beckett Denison, of Big Ben notoriety, and son of the chairman of the Great Northern Company, appears indefatigable in his attempts to follow up all the ins and outs of the story, and there was no little amount of clever fencing between the learned gentleman and some of the old hands, who have been in the witness-box any number of times during the last ten or fifteen years.

The group of Road Bills is progressing steadily, and the Ely Tidal Harbour Group may almost be said to be "dragging its slow length along," although in reality such is not the case, as the interests at stake are very heavy, and the case involves a large amount of evidence which cannot be hurried over.

All the committees have adjourned over Whitsuntide, and will not meet again till Thursday. Committees on six new groups will meet on the 4th of June — viz. the Kent Railway group, an Irish railway group, a Scotch railway group, and a railway group which may be called a colliery group, as the Bills mostly involve interests affecting the coal districts. There is also a gas and water group, and a remarkably mottled group, commencing with a Canadian railway and land company, and winding up with a Bill relating to Salford borough. There is also a Bill in this group relating to the recovery of sunken vessels, so the committee cannot complain of a dearth of variety of evidence. Four committees, not on railways, are appointed for the week commencing the 8th of June. One group, N, relates principally to metropolitan improvement and local gas and water; P comprises the Tweed Fisheries; Q the Weaver Navigation; and R the Watchet Harbour Trusts. The railway groups 1 and 8 are fixed for the week commencing 15th June. 1 comprises Bills relating to Metropolitan Railways, and a Reading Junction Railway; and 8 is composed of Manchester Railway Bills.

The grand week of parliamentary business will commence with June 8th, when it is supposed that as many as twenty committees will be sitting at the same time.

# Court Papers.

## Chancery Sittings.

The full Court of Appeal will sit on Monday, Tuesday, and Wednesday, the 1st, 2nd, and 3rd of June next.

## Queen's Bench.

NEW CASES.—TRINITY TERM, 1857.

SPECIAL PAPER.

| | |
|---|---|
| Dem. | Beaver *v.* The Mayor, &c., of Manchester. |
| " | Hodson *v.* The Observer Life Assurance Society. |
| " | Gee *v.* Smart. |
| Sp. Case. | The Mayor, &c., of Colchester *v.* Prestney and Another. |
| Dem. | Le Feuvre *v.* Miller. |
| " | The Plate Glass Universal Insurance So. *v.* Limley. |
| Dem. to Plts. Replication. | Le Feuvre *v.* Miller. |

NEW TRIAL PAPER.

| | |
|---|---|
| Middlesex. | Tennant *v.* Field (tried during Easter Term last). |

## Common Pleas.

NEW CASES.—TRINITY TERM, 1857.

DEMURRER PAPER.

*Tuesday, June 2.*

| | |
|---|---|
| Dem. | Dimmack and Another *v.* Bowley (sued as Bowley and Others). |
| " | Dunston *v.* Paterson. |
| Case by order. | Bedford, Clerk, *v.* The Warder and Society of the Royal Town of Sutton Coldfield. |
| " | Silver *v.* Bedford, Clerk. |
| Co. Court Ap. | Weaver, Appellant, *v.* Joule and Others, Respondents. |

*Friday, June 5.*

| | |
|---|---|
| Case by order. | Poppleton *v.* Buchanan. |
| Dem. | Tabor and Others *v.* Edwards. |
| " | Pugh *v.* Stringfield and Another. |

NEW TRIAL PAPER.

| | |
|---|---|
| London. | Turner and Another *v.* White. |

## Exchequer of Pleas.

NEW CASES.—TRINITY TERM, 1857.

SPECIAL PAPER.

| | |
|---|---|
| Sp. Case. | Bowen *v.* Bagott. |
| Dem. | Martin *v.* Meredith. |
| " | Bill *v.* Richards. |
| " | Taylor *v.* Hale. |
| " | Knill and Another *v.* Hooper. |
| " | Aspden *v.* Kerr. |
| Sp. Case. | Roberts *v.* Aulton. |

NEW TRIAL PAPER.

| | |
|---|---|
| L. C. Baron. | Abbott *v.* Feary. |
| B. Martin. | Collett *v.* Foster. |

## Exchequer Chamber.

SITTINGS IN ERROR.

The Court will take errors from the Queen's Bench on Saturday, Monday, Tuesday, and Wednesday, the 13th, 15th, 16th, and 17th of June next; and if the cases are not concluded on those days, they will be resumed on Tuesday the 23rd, and Wednesday the 24th June.

Errors from the Common Pleas will be taken on Thursday June 18; and Errors from the Exchequer of Pleas on Friday the 19th, and Saturday the 20th June, and, if necessary, on Monday the 22nd June.

### THE CIRCUITS OF THE JUDGES.

On Thursday morning, the Judges met in the Court of Exchequer Chamber, according to appointment, and proceeded to choose their circuits for the Assizes, which will be held after the present Term. The following is the result:—

HOME—The Lord Chief Baron and Mr. Justice Willes.
OXFORD—Barons Martin and Bramwell.
WESTERN—Justices Coleridge and Crompton.
NORTHERN—Barons Watson and Channell.
NORTH WALES—Lord Chief Justice Cockburn.
SOUTH WALES—Mr. Justice Crowder.
NORFOLK—Lord Campbell and Mr. Justice Williams.
MIDLAND—Mr. Justice Cresswell and Mr. Justice Erle.

Mr. Justice Wightman will remain in London, and attend to the business to be transacted at Chambers.

## Births, Marriages, and Deaths.

### BIRTHS.

CHOLMELEY—On May 28, at 11 Gloucester-villas, Maida-hill, the wife of Stephen Cholmeley, Lincoln's-inn, solicitor, of a son.

SHAW—On May 23, at 26 Belgrave-road, the wife of George Shaw, Esq., barrister-at-law, of a daughter.

### MARRIAGES.

GWILLIM—DUCMANTON—On May 21, at Stretton Sugwas, in the county of Hereford, by the Rev. H. C. Key, M.A., rural dean, John Gwillim, Esq., solicitor, Hereford, to Harriett Maria, second daughter of William Ducmanton, Esq., London, and niece of Mrs. James, Stretton.

LANGHAM—FREEMAN—On May 21, at Westham, by the Rev. Henry Thomas Grace, B.A., Thomas Parker Langham, of Hastings, solicitor, to Ellen, youngest daughter of Mr. George Freeman, of Westham, Sussex.

### DEATHS.

BOTELER—On May 19, at Eastry, in Kent, aged 42, Sarah, fourth daughter of the late William Fuller Boteler, Esq., Q.C.

DAVIES—On May 22, at the University Club, David Arthur Saunders Davies, Esq., M.P. for Carmarthenshire, aged 65.
FLETCHER—On May 24, at Cross, Saddleworth, aged 47, Charles Fletcher, Esq., conveyancer, of Manchester.
GIFFORD—On May 26, at Albury, The Lady Gifford, Dowager, widow of Lord Gifford, late Master of the Rolls, aged 62.
HALL—On May 26, at Folkestone, Robert Hall, Esq., M.P. for Leeds, Recorder of Doncaster, and Deputy-Recorder of Leeds.
JARVIS—On May 20, at King's Lynn, Rebecca, wife of Lewis Weston Jarvis, solicitor, aged 81.
LEATHAM—On May 24, aged 43, at the Elms, Ham-common, John Arthington Leatham, Esq., barrister-at-law, eldest son of the late William Leatham, Esq., banker, Wakefield.

## Unclaimed Stock in the Bank of England.

*The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—*

ABSOLOM, GEORGE, Cannon-st., grocer, SAMUEL BENDRY BROOKE and JOHN HULBERT, Old Jewry, tea-brokers, £66 : 10 : 2 Consols.—Claimed by SAMUEL BENDRY BROOKE, the survivor.
ARUNDEL, JOHN, Huntingdon, Kt., and JOHN GOODMAN MAXWELL, Gazeley, near Peterborough, Esq., £787 : 13 : 7 Consols.—Claimed by JOHN GOODMAN MAXWELL, the survivor.
BELSON, FREDERIC, Rochester, Esq., £500 New 3 per Cents.—Claimed by FREDERIC BELSON.
BERESFORD, ELIZABETH, Charles-st., St. James's, spinster, £195 : 0 : 3 Consols.—Claimed by ELIZABETH EDEN, wife of Rear-Admiral HENRY EDEN, formerly ELIZABETH BERESFORD, spinster.
BRIGGS, GEORGE, Wigmore-st., Cavendish-sq., fishmonger, deceased, and HENRY GEORGE BRIGGS, a minor, £39 : 10 : 7 New 3 per Cents.—Claimed by HENRY GEORGE BRIGGS, the survivor, now of age.
CRABB, ANNA MARIA, Droxford, Hants, spinster, £400 Consols.—Claimed by ANNA MARIA HAMMOND, widow, formerly ANNA MARIA CRABB, spinster.
FERNIE, DAVID, St. Andrews, N.B., Gent., £379 : 5 : 2 Consols.—Claimed by THRIFT TOD, widow, administratrix.
GARDINER, Rev. HENRY WILLIAM, Barnstaple, Devon., £100 Reduced.—Claimed by MARGARET BIDDERS, spinster, CHARLES GRIBBLE and CHARLES BROWN, executors of PRUDENCE BIDDERS GARDINER, widow, the sole executrix.
GOODWIN, JENNY, Kidbrook Lodge, Blackheath-park, spinster, £1,500 Consols.—Claimed by CHARLES LENNOX MOORE TEESDALE and WILLIAM RODWELL, surviving executors.
HIBBERT, MARY ANN, Munden, Herts, spinster, £140 : 15 : 11 Consols.—Claimed by GEORGE HIBBERT, acting executor.
JOHNSON, JOHN RICHARD, Pleasant-row, Holloway-road, Islington, Gent., £150 New 3 per Cents., and £250 Consols.—Claimed by Rev. JOHN RICHARD JOHNSON.
MITFORD, JOHN, Newtown, Hants, Esq., £110 New 2½ per Cents., substituted for £100 New South Sea Annuities.—Claimed by HENRY REVELEY MITFORD, administrator.
NAYLOR, WILLIAM, Midgham, Newbury, Berks, Gent., £25 Consols.—Claimed by WILLIAM NAYLOR.
PAGE, JOHN, Tower Royal, milkman, and HANNAH PAGE, his wife, £25 Consols—Claimed by JOHN PAGE and HANNAH PAGE.
PENSON, JOSEPH, Campden, Gloucestershire, currier, £22 : 6 : 5 New 3 per Cents.—Claimed by JOSEPH PENSON.
POLLOCK, Sir ROBERT CRAWFORD, Upper Pollock, Renfrew, Bart., £1,089 : 18 : 4 Consols.—Claimed by ROBERT GRANT, administrator.
PRICE, ELEANOR, Tenbury, Worcestershire, spinster, £50 Consols.—Claimed by ELIZABETH PRICE, spinster, administratrix.
RUSHBROOKE, ROBERT, Esq., and JOHN PARKERSON DE CARLE, tanner, deceased, both of Rushbrooke-park, Suffolk, £125 Consols.—Claimed by ROBERT FREDERIC BROWNLOW RUSHBROOKE, Esq., the Rev. CHARLES JAMES CARTWRIGHT, JAMES STURGEON, and HENRY STURGEON, Gent.
STAPLES, ELIZABETH, York-sq., Regent's-park, spinster; SIBELLA CHRISTINE HARRIOTT, and CLARA MATILDA HARRIOTT, both minors, £338 : 3 : 5 New 3 per Cents.—Claimed by ELIZABETH STAPLES, SIBELLA CHRISTINE SAUNDERS, wife of SAMUEL SAUNDERS (formerly S. C. Harriott, spinster), and CLARA MATILDA BUNBURY, wife of THOMAS BUNBURY (formerly C. M. HARRIOTT, spinster).
SWINNERTON, THOMAS, Butterton, Staffordshire, Esq., £280 : 2 : 8 Reduced.—Claimed by Sir LIONEL MILBORNE SWINNERTON PILKINGTON, Bart., administrator.
SYMONS, Major WILLIAM HALES, Chaddlewood-house, Plymouth, Devonshire, £1,200 Reduced.—Claimed by GEORGE WILLIAM SOLTAN and WILLIAM FRANCIS SOLTAN, surviving acting executors.
WEBB, WILLIAM, New Providence, Bahama Islands, Esq., £50 : 10 : 1 New 3 per Cents.—Claimed by WILLIAM WEBB.

## Heirs at Law and Next of Kin

*Advertised for in the* London Gazette *and elsewhere during the Week.*

BARNES, DIANA (widow of EDWARD BARNES, late of Tirley, Gloucestershire, Gent.), now residing at a private lunatic asylum, called Sandywell-park, near Cheltenham.—Her heirs or next of kin to come in and prove their kindred before E. Winslow, Esq., Master in Lunacy, at 45 Lincoln's-inn-fields. DIANA BARNES has been twice married, first, to J. DIPPER, jun., Southwick, Tewkesbury, Gent., who died about thirty-eight years since; and, secondly, to said E. BARNES. Her maiden name was TOMKINS. She had a sister, MARY, who married JOHN BROMAGE, and died, leaving issue a daughter, named DIANA BROMAGE, and a son, R. TOMKINS, locksmith, at Rugeley, and who died in 1856.
CAMPBELL, JAMES (who died in Jan. 1856), rope manufacturer, Red-bank, Manchester.—His next of kin, or their legal personal representatives, to come in and prove their claims on or before June 22, at office of District Registrar, 4 Norfolk-st., Manchester.
EVANS, BLANCHE (who died in March, 1841), St. Melon's, Monmouthshire, spinster.—Her next of kin at time of her death, or their legal personal representatives, to come in and make out their claims on or before June 24, at V. C. Stuart's Chambers.
SCOTT, JOHN, Ballarat, Co. Grenville, Victoria, storekeeper, and formerly of Stewart Inn (or Stewarton?), Glasgow, baker.—His heirs or heiresses at law are requested to communicate immediately, by letter or otherwise, with Messrs. Grace & Yoole, town clerks, St. Andrews, Scotland, who will furnish the heirs with information regarding the said JOHN SCOTT'S estates.—St. Andrews, May 18, 1857.
SERGESON, JOSEPH (who died in Feb. 1857), Liverpool, grocer.—Next of kin to come in and prove their claims on or before June 22, at office of District Registrar, 1 North John-st., Liverpool.
TOMLINS, FRANCIS.—Next of kin to come in and prove their claims on or before May 6, 1858, at V.C. Kindersley's Chambers. FRANCIS TOMLINS was the son of WILLIAM TOMLINS, coach-builder, in Brunswick-st., Hackney-rd. He left London for Swan River in 1829, and was residing, in 1836, at Hobart Town, and entitled to a small portion of money in the Court of Chancery.

## Money Market.

CITY, FRIDAY EVENING.

The course of the market in the English Funds this week has been nearly the same as last week. There was a gradual improvement for the first three days which has been all lost subsequently, therefore there is not any noticeable variation from this day week. Throughout the week the demand for money both in the Stock Exchange and in the discount market has been active and increasing. The variation in the French Funds has been similar to that in the English Funds, other Foreign Funds have been steady without animation. From the Bank of England return for the week ending the 23rd May, 1857, which we give below, it appears that the amount of notes in circulation is £19,031,480 being a decrease of £213,445, and the stock of bullion in both departments is £9,804,827, shewing a decrease of £48,782 when compared with the previous return.

Count d'Argout the governor of the Bank of France retires after holding that post of high responsibility more than twenty years. A letter has been published by M. Pereire the President of the Crédit Mobilier, in reply to certain statements in the London daily press relative to his supposed family connection with M. Charles Thurneyssen, and reflecting on his management of the Crédit Mobilier; and M. Pereire complains of what he designates as insinuations, and unfounded reports.

The Africa from New York has brought £307,000 nearly all in gold, and there have been several other arrivals of specie of considerable amount. It is estimated that the Indus will take out with the mail to China, on the 4th June, £700,000 or more in silver and gold.

The returns of the Board of Trade for the month of April have been issued this week, and shew a large increase when compared with the corresponding month of last year. The increase is more than £560,000, being at the rate of nearly 6 per Cent. additional to the returns of that month. The largest increase is under the heads of cotton yarn, and iron and steel. Reports from the manufacturers of Manchester, Leicester, Huddersfield, and other places, say there is no improvement in the demand for goods, and that stocks are augmenting in their hands.

In the Corn Market at Mark-lane an advance of from 2s. to 3s. per quarter has been established. Reports from the country markets generally show some advance, and flour also is higher in price. In barley and oats prices tend upwards. The supply of grain from abroad since the late favourable change in wind and weather has only been to a moderate extent. The prospect of harvest is represented as being good in England. In France all accounts concur in describing the growing crops as excellent. The last reports from the provincial corn markets announce that they are well supplied with wheat. The farmers feel the necessity for clearing out their granaries in expectation of an abundant harvest. The appearance of the vines in the wine-growing departments has greatly improved of late. Nevertheless, the price of wine is not decreasing, but the holders of stock are more willing to sell. Large quantities of foreign wine continue to arrive in the South of France.

A railway from the Danube to the harbour of Kostendje, in the Black Sea, is said to be the intended result of plans which have been many years before the Porte. The river approaches within forty miles of the coast, and is then turned off by high lands to the north, and flows a distance of two hundred miles of very bad navigation before it falls into the sea. A canal was projected, but was found likely to prove difficult and expensive if not impracticable. The cost of the railway is expected to be moderate. The advantage to the trade of the Danubian Principalities will be very great. The question of the administration of those provinces remains undecided. The unionists complain of persecution. England acts with Austria in opposition to the union, and both are understood to agree with the views of the Porte. France acts in support of the union, in favour of which there is a strong expression of opinion by the people themselves, without any movement on the other side sufficiently manifest to demand attention.

## Bank of England.

AN ACCOUNT, PURSUANT TO THE ACT 7TH AND 8TH VICTORIA, C. 32, FOR THE WEEK ENDING ON SATURDAY, THE 23RD DAY OF MAY, 1857.

ISSUE DEPARTMENT.

| | £ | | £ |
|---|---|---|---|
| Notes issued | 23,533,315 | Government Debt | 11,015,100 |
| | | Other Securities | 3,459,900 |
| | | Gold Coin and Bullion | 9,058,315 |
| | | Silver Bullion | ... |
| | £23,533,315 | | £23,533,315 |

BANKING DEPARTMENT.

| | £ | | £ |
|---|---|---|---|
| Proprietors' Capital | 14,553,000 | Government Securities (incl. Dead Weight Annuity) | 10,326,131 |
| Rest | 3,351,807 | Other Securities | 17,668,848 |
| Public Deposits (including Exchequer, Savings' Banks, Commissioners of National Debt, and Dividend Accounts) | 5,555,566 | Notes | 4,501,835 |
| | | Gold and Silver Coin | 746,512 |
| Other Deposits | 9,088,620 | | |
| Seven day & other Bills | 694,333 | | |
| | £33,243,326 | | £33,243,326 |

Dated the 28th day of May, 1857 M. MARSHALL, Chief Cashier.

## English Funds.

| ENGLISH FUNDS. | Sat. | Mon. | Tues. | Wed | Thur. | Fri. |
|---|---|---|---|---|---|---|
| Bank Stock | 213½ | 213½ | 213½ 12 | 212½ | 213¾ | 212½ |
| 3 per Cent. Red. Ann. | 92¼ ⅜ ½ | 92¼ ⅜ | 92¼ ⅜ ½ | 92¼ ⅜ | 92¼ ⅜ ⅝ | 92¼ |
| 3 per Cent. Cons. Ann. | 93½ ⅝ | 93⅝ ¾ | 93⅝ ¾ | 93⅝ ¾ 4 | 93¾ ½ | 93⅝ |
| New 3 per Cent. Ann. | 92¼ ½ | 92⅜ ½ | 92⅜ ½ | 92⅜ ½ | 92¼ ⅜ ⅝ | 92⅜ |
| New 2½ per Cent. Ann. | ... | ... | 77½ | ... | ... | ... |
| 5 per Cent. Annuities | ... | ... | ... | ... | ... | ... |
| Long Ann. (exp. Jan. 5, 1860) | ... | ... | ... | ... | ... | ... |
| Do. 30 years (exp. Oct. 10, 1859 | ... | ... | ... | ... | ... | ... |
| Do. 30 years (exp. Jan. 5, 1860) | ... | ... | ... | ... | ... | ... |
| Do. 30 years (exp. Apr. 5, 1885) | ... | ... | 18 | ... | ... | 18 1-16 |
| India Stock | ... | 220 | 220 22 | ... | 222 | ... |
| India Bonds (£1,000) | 3s. dis. | ... | ... | 7s. dis. | ... | ... |
| Do. (under £1,000) | ... | 4s. dis. | 4s. dis. | 7s. dis. | 7s. dis. | 4s. dis. |
| Exch. Bills (£1,000) Mar. | 6s. pm. | 6s. pm. | 4s. pm. | 6s. pm. | 7s. dis. | 4s. pm. |
| June | ... | ... | ... | ... | ... | ... |
| Exch. Bills (£500) Mar. | ... | ... | 4s. pm. | 6s. pm. | ... | ... |
| June | ... | ... | ... | ... | ... | ... |
| Exch. Bills (Small) Mar. | ... | ... | 4s. pm. | 7s. pm. | ... | ... |
| June | ... | ... | ... | ... | ... | ... |
| Exch. Bills Advertised | 3s. pm. | 3s. pm. | 3s. pm. | 3s. pm. | 4s. pm. | 4s. pm. |
| Exch. Bonds, 1858, 3½ per Cent. | 98⅝ | ... | ... | ... | ... | 99 |
| Exch. Bonds, 1859, 3½ per Cent. | ... | 99 8⅝ | 98⅝ 9 | ... | ... | 99 |

## Insurance Companies.

MAY 15.

| | |
|---|---|
| Equity and Law | 5½ |
| English and Scottish Law | 4½ |
| Law Fire | 3½ |
| Law Life | 62 |
| Law Reversionary Interest | 19 |
| Law Union | par |
| Legal and General Life | 5 |
| London and Provincial | 3 |
| Medical, Legal, and General | par |
| Solicitors' and General | par |

## Railway Stock.

| Railways. | Sat. | Mon. | Tues. | Wed. | Thur | Fri. |
|---|---|---|---|---|---|---|
| Bristol and Exeter | ... | 90 | ... | ... | ... | ... |
| Caledonian | 71¾ | 72½ | 72½ | 72 | 73½ | 72½ |
| Chester and Holyhead | ... | 36½ | ... | 35⅝ | ... | 36½ |
| East Anglian | ... | 18½ | 18⅝ | ... | ... | ... |
| Eastern Union A stock | ... | ... | ... | ... | ... | ... |
| East Lancashire | 97 | ... | 98 | ... | ... | ... |
| Edinburgh and Glasgow | ... | 59 | ... | 59½ | ... | ... |
| Edin., Perth. & Dundee | ... | 33 | 33 | ... | ... | ... |
| Glasgow & South Western | ... | ... | ... | ... | ... | ... |
| Great Northern | ... | ... | 96⅜ ⅜ | 96 | ... | ... |
| Gt. South & West. (Ire.) | ... | ... | ... | ... | 104½ 3½ | 104¾ |
| Great Western | 66½ ½ | ... | 66¾ ½ ½ | 66⅝ ½ ½ | 66⅝ ½ | 66½ |
| Lancashire & Yorkshire | ... | 101½ 1 | 100⅝ ⅜ | 100½ ⅝ | 100¾ | 100½ |
| Lon., Brighton, & S. Coast | ... | 112 | 112 11½ | ... | ... | 111½ |
| London & North Western | 104½ ⅝ | 104½ ½ | 104 | 104⅝ | 104⅝ | 104 |
| London and S. Western | 98½ | 98½ ⅜ | 98⅝ ½ ⅝ | 98½ 8 | 99½ | 99½ |
| Man., Shef., and Lincoln | 41½ | 42⅜ ⅝ | 43 2½ | 42½ ⅜ ½ | 43½ | 42⅝ |
| Midland | 82⅝ ⅜ | 83 2⅝ | 82⅞ ⅜ 3 | 83½ | 83½ ⅜ | 83½ |
| Norfolk | 63¾ ½ | 63½ | 64 | 63½ | ... | 63 |
| North British | 42⅝ | 43 | ... | ... | 43½ | 43½ |
| North Eastern (Berwick) | 86½ | 87 6½ | 86½ ½ | 86⅝ | 87½ | 87½ |
| North London | ... | ... | 97 | ... | ... | ... |
| Oxford, Worc. & Wolv. | ... | ... | ... | 30½ | 31 | ... |
| Scottish Central | ... | ... | ... | ... | ... | 105 |
| Scot.N.E. Aberdeen Stock | ... | 25½ ½ | ... | ... | ... | ... |
| Shropshire Union | ... | 49½ | ... | 48½ | ... | ... |
| South-Eastern | 74 | 74¼ ¼ | 74½ | ... | 75 4½ | ... |
| South-Wales | 86½ ⅝ | 86⅝ ½ | 87½ 7 | 87½ | ... | 88 |

# London Gazettes.

MEMBER OF PARLIAMENT.

*Borough of Penryn.*—Thomas George Baring, Esq., one of the Lords of the Admiralty.

## Bankrupts.

TUESDAY, *May* 26, 1857.

ATKINSON, ROBERT (trading under name of M. Green), Draper, Hendon-rd., Sunderland. June 9 and July 7, at 12; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Off. Ass.* Baker. *Sol.* Brignal, Durham. *Pet.* May 22.

BAIRRY, JOHN (John Barry & Co.), Linen and Woollen Draper, Cashel, Clonmel, Co. Tipperary; also at Manchester. June 10 and July 1, at 12; Manchester. *Off. Ass.* Fraser. *Sols.* Slater & Myers, Mancheser. *Pet.* May 23.

BUTLER, EDWARD, Tailor, 21 Clifford-st., Bond-st. June 9 and 30, at 2.30; Basinghall-st. *Com.* Holroyd. *Off. Ass.* Edwards. *Sols.* Taylor & Woodward, 28 Gt. James-st. *Pet.* May 23.

ELGEY, JOSEPH BOWRON, Commission Agent, Horton, Bradford, Yorkshire. June 12 and July 3, at 11; Leeds. *Com.* West. *Off. Ass.* Young. *Sols.* Terry, Watson, & Watson, Bradford; or Bond & Barwick, Leeds *Pet.* May 21.

FLEMING, JOHN, Nautical Instrument Manufacturer, 9 High-st., Wapping. June 3, at 12, and July 1, at 1; Basinghall-st. *Com.* Fonblanque. *Off. Ass.* Graham. *Sol.* Harwood, 10 Clement's-la. *Pet.* May 22.

HILL, ELIZABETH, Coachbuilder, Little Moorfields. June 8, at 12.30, and July 10, at 11; Basinghall-st. *Com.* Fane. *Off. Ass.* Cannan. *Sols.* Clarke & Morice, Coleman-st. *Pet.* May 12.

JONES, THOMAS, General Shop-keeper, Aberavon and Cwmavon, Glamorganshire. June 11 and July 7, at 11; Bristol. *Com.* Hill. *Off. Ass.* Acraman. *Sols.* R. & W. Leonard, Athenæum-chambers, Bristol. *Pet.* May 18.

KEY, JOSEPH, Ironmonger, Crowle, Lincolnshire. June 10 and July 8, at 12; Kingston-upon-Hull. *Com.* Ayrton. *Off. Ass.* Carrick. *Sols.* Carnochan, Crowle; or Shackles & Son, Hull. *Pet.* May 20.

PATRICK, SARAH, Butcher, Worcester. June 6 and 25, at 11.30; Birmingham. *Com.* Balguy. *Off. Ass.* Christie. *Sols.* Finch, Worcester; or E. & H. Wright, Birmingham. *Pet.* May 25.

SLAUGHTER, JOSEPH, Hop Merchant, 55 High-st., Borough. June 9 and 30, at 2; Basinghall-st. *Com.* Holroyd. *Off. Ass.* Edwards. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* May 26.

SMITH, WILLIAM HENRY, Brickmaker, Swansea. June 11 and July 14, at 11; Bristol. *Com.* Hill. *Off. Ass.* Miller. *Sol.* Taddy, Bristol. *Pet.* May 14.

WEARING, JAMES, Joiner and Builder, Ulverston, Lancashire. June 11 and July 2, at 1; Manchester. *Off. Ass.* Hernaman. *Sols.* J. P. & T. Postlethwaite, Ulverston; or Cobbett & Wheeler, Manchester. *Pet.* May 15.

WORDEN, ROBERT, Builder, Wadebridge, St. Breock, Cornwall. June 2 and July 2, at 1; Exeter. *Com.* Bere. *Off. Ass.* Hirtzel. *Sols.* Symons & Son, Wadebridge; or Stogdon, Exeter. *Pet.* May 16.

FRIDAY, *May* 29, 1857.

ATKINSON, ROBERT, Hairdresser, York. June 16 and July 14, at 11; Leeds. *Com.* Ayrton. *Off. Ass.* Hope. *Sols.* Smith, York; or Clarke, Leeds. *Pet.* May 26.

BATES, GEORGE (trading as George Bateson), Soda-water Manufacturer and Pork-butcher, Commercial-st., Newport, Monmouthshire. June 11 and July 14, at 11; Bristol. *Com.* Hill. *Off. Ass.* Miller. *Sol.* Bevan, Bristol. *Pet.* May 18.

BAXTER, GEORGE, & GEORGE TOONE, Dyers, Nottingham. June 16 and 30, at 10.30; Nottingham. *Com.* Balguy. *Off. Ass.* Harris. *Sol.* Deverill, Nottingham. *Pet.* May 21.

BEST, JOHN, Linendraper, Halifax. June 16, at 11.30, and July 14, at 12; Leeds. *Com.* Ayrton. *Off. Ass.* Hope. *Sols.* G. & G. H. Edwards, Halifax; or Bond & Barwick, Leeds. *Pet.* May 28.

EDWARDS, WILLIAM, Common Brewer, Stamford. June 16 and 30, at 10.30; Nottingham. *Com.* Balguy. *Off. Ass.* Harris. *Sols.* Thompson & Phillips, Stamford; or Hodgson & Allen, Birmingham. *Pet.* May 26.

FEISTEL, ADOLPHUS HARRISON, Wine Merchant, 25 Bucklersbury. June 8 and July 10, at 1; Basinghall-st. *Com.* Fane. *Off. Ass.* Whitmore. *Sol.* Barrow, 15 Clayton-pl., Kennington. *Pet.* May 19.

GOVETT, JOHN HILL, Builder, Dennett-rd., Peckham, now a Prisoner for Debt in Horsemonger-lane Gaol. June 10, at 1, and July 13, at 11; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Pennell. *Sols.* Pocock & Poole, 58 Bartholomew-close. *Pet.* May 16.

LAWRENSON, THOMAS, Ship-smith, Liverpool. June 9 and July 6, at 11; Liverpool. *Com.* Perry. *Off. Ass.* Cazenove. *Sols.* Evans & Son, Liverpool. *Pet.* May 27.

MARKS, JOHN, Coach Maker, Bell-st., Paddington, and Long-acre, and also of Victoria-st. North, Melbourne, Australia. June 8 and July 10, at 2; Basinghall-st. *Com.* Fane. *Off. Ass.* Whitmore. *Sol.* Jennings, Falcon-st., Ipswich, Suffolk. *Pet.* May 28.

MYERS. LEWIS HENRY, Dealer in Manchester Goods, late of the Jews' Hospital, Mile End-rd., and Long-acre, now of 35 Wellesley-st., Stepney. June 9, at 12.30, and July 6, at 12; Basinghall-st. *Com.* Evans. *Off. Ass.* Johnson. *Sol.* Chidley, Basinghall-st. *Pet.* May 25.

PRINGLE, JOHN, & JOHN THURMAN, Lace Manufacturers, trading in copartnership with William Palmer, Nottingham. June 16 and 30, at 10.30; Nottingham. *Com.* Balguy. *Off. Ass.* Harris. *Sols.* Bowley & Ashwell, Nottingham. *Pet.* May 27.

THOMAS, JOHN GEORGE, Damask Manufacturer, Illingworth, Halifax. June 12 and July 3, at 11; Leeds. *Com.* West. *Off. Ass.* Young. *Sols.* Wavell, Philbrick, & Foster, Halifax. *Pet.* May 27.

TURNER, WILLIAM, New Mills, Ashbourne, Derbyshire; in copartnership with Thomas Mason (Mason and Turner), Cotton Spinners. June 16 & 30, at 10: Nottingham. *Com.* Balguy. *Off. Ass.* Harris. *Sols.* J. & W. Clare, Liverpool; or Knight, Birmingham. *Pet.* May 14 and 19.

BANKRUPTCY ANNULLED.

TUESDAY, *May* 26, 1857.

STEPHENSON, EDMUND, Iron and Brass Founder, Daventry, Northamptonshire. May 23.

MEETINGS.

TUESDAY, *May* 26, 1857.

ARMSTRONG, JAMES (Smith & Armstrong), Linen and Woollen Draper

Berwick-upon-Tweed. June 19, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *First Div.*

BAKER, THOMAS, & JAMES BOSWELL, Colour Manufacturers, High-st., Poplar. June 16, at 2; Basinghall-st. *Com.* Fonblanque. *Div.*

BOYD, FRANCIS, Grocer, Tynemouth, Northumberland. June 18, at 11.30; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Final Div.*

CAISTOR, ARTHUR BREARS, Saddler, 7 Baker-st., Portman-sq. June 16, at 12; Basinghall-st. *Com.* Holroyd. *Div.*

CALVERT, WILLIAM, & WILLIAM CALVERT, jun., Hardwaremen and Hosiers, Sunderland. June 18, at 12; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *First Div.*

CLINCH, ROBERT, Livery-stable-keeper, Salisbury. June 16, at 1.30; Basinghall-st. *Com.* Fonblanque. *Div.*

DAWE, JOHN AVERY NANSCAWEN, JAMES HODGES COTTRELL, & THOMAS BENHAM, Seed Merchants, Lawrence Pountney-la., Cannon-st., and Moorgate-st. June 16, at 2; Basinghall-st. *Com.* Fonblanque. *Div.*

GATHERCOLE, JAMES, Envelope Manufacturer, Eltham, Kent. June 16, at 2; Basinghall-st. *Com.* Fonblanque. *Final Div.*

GOOLD, THOMAS, Military Ornament Manufacturer, Birmingham. June 26, at 11.30; Birmingham. *Com.* Balguy. *Div.*

HEWITT, GEORGE ALEXANDER, Chemist and Druggist, Derby. June 23, at 10.30; Nottingham. *Com.* Balguy. *Div.*

HOLDEN, HYLA, Currier, Walsall, Staffordshire. June 19, at 11.30; Birmingham. *Com.* Balguy. *Div.*

JONES, JOHN, Tailor, Preston, Lancashire. June 8, at 12; Manchester. *Com.* Jemmett. *Last Ex.*

MACKENZIE, Sir EVAN, Bart., ROBERT CAMERON, & JAMES HOLMES BOYLE, Merchants, St. Helen's-pl., Bishopsgate-st. June 18, at 2; Basinghall-st. *Com.* Evans. *Div.* sep. ests. R. Cameron and J. H. Boyle.

MATTHEWS, GEORGE KING, Bookbinder, 53 and 54 Paternoster-row. June 18, at 12.30; Basinghall-st. *Com.* Fane. *Div.*

MEYER, MAURICE, & SIGISMUND SECKEL (Meyer & Co.), General Merchants, 30 Newgate-st. June 16, at 11; Basinghall-st. *Com.* Fonblanque. *Div.*

PORTER, ELEANOR, Grocer, High-st., Newmarket. June 18, at 1.30; Basinghall-st. *Com.* Fane. *Div.*

PRUDHOE, ROBERT, Grocer, Durham. June 17, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Final Div.*

QUADLING, EDWIN PARKE, Railway Carriage-builder, Grey Friars Works, Ipswich. June 18, at 12.30; Basinghall-st. *Com.* Fane. *Div.*

SMITH, WILLIAM, Licensed Victualler, Mansfield, Nottinghamshire. June 23, at 10.30; Nottingham. *Com.* Balguy. *Div.*

STERNE, SALIOMIA, Merchant, Gt. St. Helen's-chambers, Gt. St. Helen's. June 16, at 11; Basinghall-st. *Com.* Fonblanque. *Div.*

TWEEDALE, WILLIAM, Grocer, Ashton-under-Lyne, Lancashire. June 17, at 12; Manchester. *Com.* Jemmett. *Div.*

WILLIAMS, RICHARD, Tailor and Draper, Liverpool. June 19, at 11; Liverpool. *Com.* Stevenson. *Div.*

WITHERS, WILLIAM SHELDON, Miller, Mansfield, Nottinghamshire. June 23, at 10.30; Nottingham. *Com.* Balguy. *Div.*

FRIDAY, *May* 29, 1857.

BEBELL, WILLIAM JAMES, Ship Builder, Gloucester. July 2, at 11; Bristol. *Com.* Hill. *Div.*

DIMSDALE, FREDERICK, Dealer in Iron and Share Dealer, King's Arms-yard, Coleman-st. June 9, at 12.30; Basinghall-st. *Com.* Fonblanque. (*By adj.* from May 12) *Div.*

DYER, HENRY, Cabinet Maker, 9 Castle Mill-st., Bristol. June 25, at 11; Bristol. *Com.* Hill. *Div.*

HARRISON, THOMAS, Tailor, 62 Chancery-la., and Holly Cottage, West End, Esher, Surrey. June 8, at 1.30; Basinghall-st. *Com.* Goulburn. *Last Ex.*

HAWKINS, CHARLES, Camp Equipage Manufacturer, 86 Strand. June 22, at 2; Basinghall-st. *Com.* Goulburn. *Div.*

RICHARDSON, GEORGE DAVY, Iron Founder, Carlisle. June 9, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. (*By adj.* from May 8) *Last Ex.*

TAYLOR, ROBERT, Draper, Sunderland. June 19, at 11 (and not June 8, as advertised in *Gazette* of May 15); Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *First Div.*

VARTY, THOMAS, & EDWIN HENRY OWEN, Booksellers, 31 Strand. June 20, at 11; Basinghall-st. *Com.* Fonblanque. *Div.* joint est.

## CERTIFICATES.

*To be* ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *May* 26, 1857.

CHICHESTER, GEORGE AUGUSTUS HAMILTON, Commission Agent and Bill Broker, 7 York-bldgs., Adelphi. June 17, at 2; Basinghall-st.

ECCLES, RICHARD, & JOHN NUTTALL, Cotton Spinners, Bottoms-hall Mill, Tottington Lower-end, Lancashire; in partnership with James Taylor (Eccles, Nuttall, & Co.) June 18, at 12; Manchester. On application of R. Eccles.

FOORD, JAMES, Licensed Victualler, Eagle Tavern, Chariton, Dover; and Stone-cross Farm, Ashford, Farmer. June 17, at 2.30; Basinghall-st.

GILLAM, JOHN, 14 Devereux-ct., Strand, & WILLIAM HENRY TAYLOR, 20 City-rd., and 15 Poultry, Licensed Victuallers and Copartners. June 17, at 1; Basinghall-st.

LEWIS, GEORGE, Innkeeper, Cwmbach Aberdare, Glamorganshire. June 19, at 11; Bristol.

OLDFIELD, ALEXANDER, Bookbinder, 17 Devonshire-st., Queen-sq., Bloomsbury. June 17, at 2; Basinghall-st.

ROBERTS, JOHN JONES, Metal Broker, Liverpool. June 17, at 11; Liverpool.

STAPLETON, WILLIAM, Contractor, 15 Wharf, Paddington. June 16, at 12; Basinghall-st.

TOWSE, JOHN BECKWITH, Shipowner and Attorney-at-Law, Lawrence Pountney-la., and residing at The Avenue, Streatham. June 18, at 1.30; Basinghall-st.

WILLIAMS, JOSEPH, Tailor, 4 Rochester-ter., Vauxhall Bridge-rd. June 17, at 12; Basinghall-st.

FRIDAY, *May* 29, 1857.

CALVERT, WILLIAM, & WILLIAM CALVERT, jun. (W. Calvert & Son), Hardwaremen, Sunderland. June 19, at 11.30; Royal-arcade, Newcastle-upon-Tyne.

DILLON, THOMAS, Boot and Shoe Maker, Halifax. June 22, at 12; Leeds.

LEVY, NATHANIEL (Nathaniel Levy Nathan), Butcher, 13 Church-lane, Whitechapel June 19, at 1.30; Basinghall-st.

LOW, JOSEPH, Merchant, 40 Broad-st.-bldgs.; in copartnership with Maximilian Low (Low Brothers). June 19, at 11; Basinghall-st.

LOW, MAXIMILIAN, Merchant, 40 Broad-st.-bldgs.; in copartnership with Joseph Low (Low Brothers). June 13, at 11; Basinghall-st.

MORRISS, DAVID, Grocer, Wisbeach, Cambridgeshire. June 22, at 12; Basinghall-st.

NICHOLLS, HILLYARD, Corn Merchant, Bedford. June 19, at 11.30; Basinghall-st.

PORTER, JOSEPH, Screw Bolt Manufacturer, Salford, Lancashire. June 22, at 11; Manchester.

TAGG, JOHN JAMES, Innkeeper, Bear-hotel, Reading. June 22, at 1; Basinghall-st.

WARD, BARTHOLOMEW, Stationer, 71 High-st., Southwark, and 37 St. James's-pl., New-cross. June 22, at 11.30; Basinghall-st.

*To be* DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *May* 26, 1857.

BISHOP, JOHN, Cabinetmaker, Shrewsbury. May 21, 3rd class.

BLACKMORE, ALFRED, Hosier, 80 High-st., Shoreditch. May 20, 1st class.

BOLLIN, ROBERT HENRY, Carriage-builder, King's Lynn, Norfolk. May 20, 3rd class; after suspension for six months from May 20.

COLLENS, ROBERT, Licensed Victualler, 100 High Holborn, and Talbot Inn-yd., Borough, High-st. May 19, 3rd class.

HARRIS, RICE, & RICE WILLIAMS HARRIS, Glass and Alkali Manufacturers, Birmingham. May 21, 2nd class.

HORSFALL, JONATHAN WRIGHT, Commission Agent, Leeds. April 28, 3rd class.

KIRKUP, MAJOR, Brick Manufacturer, Jarrow, Durham. May 14, 3rd class.

MARLOW, HENRY, Ironfounder, Walsall, Staffordshire. May 21, 2nd class.

MUCKLESTON, ROWLAND, Wholesale and Export Boot and Shoe Manufacturer, 7 and 8 Hackney-rd.-cresct., Middlesex. May 12, 3rd class.

THOMAS, THOMAS, Milliner, Manchester. May 16, 3rd class; after a suspension of three calendar months.

TWEEDALE, WILLIAM, Grocer, Ashton-under-Lyne, Lancashire. May 19, 2nd class.

WALKER, JAMES, Bridle-cutter, Walsall, Staffordshire. May 21, 3rd class.

WRIGHT, GEORGE SLEDDALL, & JOHN WRIGHT, Brewers, Liverpool. May 18, 2nd class to each.

FRIDAY, *May* 29, 1857.

COLLIS, BENJAMIN, Draper, Bishop's Stortford, Hertfordshire. May 19, 2nd class.

COOPER, JOHN BUNTON, & HENRY BUNTON COOPER, Pawnbrokers, 5 Bentley-pl., Kingsland-rd. May 23, 3rd class.

DYER, HENRY, Cabinetmaker, Castle Mill-st., Bristol. May 26, 2nd class.

GOODING, SMITH WILLIAM, Tailor, Manchester. May 23, 1st class.

JONES, CHARLES, Sailmaker, Gloucester. May 25, 3rd class, after a suspension of twelve months from this date, without protection in the meantime.

LORD, SIMEON & EDWARD LORD, Millwrights, Bacup, Lancashire. May 13, 2nd class, after a suspension of three months.

OCHSE, JAMES, Dealer in French china, 44 Basinghall-st. May 23, 2nd class.

SKINNER, WILLIAM, jun., Tailor, 77 Castle-st., Bristol. May 26, 2nd class.

SPENDLOVE, ROBERT, Horse and Cattle Dealer, Sheffield. May 23, 3rd class.

STEWART, JOHN, Ironfounder, Preston, Lancashire. May 25, 2nd class.

SULLY, WALTER, Printer, 299 Strand. May 23, 1st class.

VERNON, JOHN, Iron Shipbuilder, Low Walker, Northumberland. May 26, third class, after a suspension until 1st November.

WEST, JOSEPH, Miller, Beckington, Somersetshire. May 26, 2nd class, after a suspension of three months from this date.

WRIGGLESWORTH, JOHN, Linendraper, Halifax. May 26, 3rd class.

YATES, JAMES GARRETT, Grocer, Redcliffe-Hill, Bristol. May 25, 3rd class, after a suspension for six months from May 25, without protection in the meantime.

## DIVIDENDS.

TUESDAY, *May* 26, 1857.

ALLEN, JOHN, & JOSEPH MOORE, Medalists, Birmingham. First, 6*s.* joint est.; and 20*s.* sep. est. of J. Allen. *Whitmore*, 19 Upper Temple-st., Birmingham; any Friday, 11 and 3.

BERRY, JOHN, RICHARD BERRY, & THOMAS BERRY, Machinists, Rochdale. First, 3*s.* 9*d.* joint est.; and 11*s.* 7½*d.* sep. est. of J. Berry. *Hernaman*, 69 Princess-st., Manchester; any Tuesday, 10 and 1.

BLAKELY, EDWARD, Linendraper and Silk Mercer, Conduit-st., Regent-st.; and Norwich. Second, 5½*d.* *Whitmore*, 2 Basinghall-st.; any Wednesday, 11 and 3.

CAZNEAU, JOSEPH. First, 15*s.* *Morgan*, 10 Cook-st., Liverpool; any Wednesday, 11 and 2.

COOPER, JOSEPH, sen., JOSEPH COOPER, jun., & JOE COOPER, Cotton Spinners, Glossop. First, 3*s.* 4½*d.* *Hernaman*, 69 Princess-st., Manchester; any Tuesday, 10 and 1.

ELLIOTT, NATHANIEL, Cigar-dealer, Manchester. First, 2*s.* 6*d.* *Hernaman*, 69 Princess-st., Manchester; any Tuesday, 10 and 1.

FOX, SAMUEL CRANE (John Fox & Son), Wine and Spirit Merchant, Liverpool. Second, 6¾*d.* *Cazenove*, 11 Eldon-chambers, South John-st. Liverpool; any Thursday, 11 and 2.

GASCOIGNE, WILLIAM, Butcher, Hitchin, Hertfordshire. Second, 3¾*d.* *Graham*, 25 Coleman-st.; next three Thursdays, 11 and 2.

HAYWOOD, JAMES, Iron Manufacturer, Derby. First, 3*s.* 6*d.* on new proofs. *Harris*, Middle-pavement, Nottingham; next three Mondays, 11 and 3.

JENKINSON, WILLIAM, Thread Manufacturer, Salford. First, 1*s.* 7½*d.* *Hernaman*, 69 Princess-st., Manchester; any Tuesday, 10 and 1.

ROBERTS, FREDERICK, Flour and Provision Dealer, Wrexham, Denbighshire. First, 2*s.* 4*d.* *Cazenove*, 11 Eldon-chambers, South John-st., Liverpool; any Thursday, 11 and 2.

ROSE, JOHN. First, 10*d.* *Morgan*, 10 Cook-st., Liverpool; any Wednesday, 11 and 2.

SEDDON, JAMES, Marble Mason, Liverpool. First, 7½*d.* *Cazenove*, 11 Eldon-chambers, South John-st., Liverpool; any Thursday, 11 and 2.

STEVENS, JOHN HENRY, Engraver, 5 Gt. Wild-st., Lincoln's-inn-fields. First, 11*s.* 4*d.* *Graham*, 25 Coleman-st.; next three Thursdays, 11 and 2.

TAYLOR, JOSEPH SPOONER, & JOSEPH MARSDEN, Ironfounders, Derby. Second, 1*s.* *Harris*, Middle-pavement, Nottingham; next three Mondays, 11 and 3.

TYSON, WILLIAM, Corn and Flour Dealer, Liverpool. First, 2s. *Cazenove*, 11 Eldon-chambers, South John-st., Liverpool; any Thursday, 11 and 2.

VON DADELSZEN, EDWARD, Metal Broker, Liverpool. First, 1s. 4d. *Cazenove*, 11 Eldon-chambers, South John-st., Liverpool; any Thursday, 11 and 2.

WEBB, GEORGE, Cheesemonger, 234 Shoreditch. Final, 2¾d. *Stansfeld*, 10 Basinghall-st.; any Thursday, 11 and 2.

FRIDAY, *May* 29, 1857.

CORBETT, JOHN, Licensed Victualler, Birmingham. First, 1s. 11¼d. *Christie*, 37 Waterloo-st., Birmingham; any Thursday, 11 and 3.

FREER, THOMAS, Wine and Spirit Merchant, Leicester. Third, 4d. *Harris*, Middle-pavement, Nottingham; next three Mondays, 11 and 3.

## Professional Partnerships Dissolved.

TUESDAY, *May* 26, 1857.

BUCK, WILLIAM EDWARD, & GEORGE EDWARD BAKER (Buck & Baker), Attorneys and Solicitors, Warwick. May 15, by mutual consent. Debts received and paid by G. E. Baker & W. Brown, Attorneys and Solicitors (Baker & Brown), Warwick.

FRIDAY, *May* 29, 1857.

CHUBB, CHARLES FREDERICK, HENRY AUGUSTUS DEANE, & WILLIAM CHUBB, 14 South-sq., Gray's-inn. As to C. F. Chubb, by mutual consent. May 23.

## Assignments for Benefit of Creditors.

TUESDAY, *May* 26, 1857.

BOOTH, JOHN, Shear Manufacturer, Sheffield, JONATHAN BOOTH, Sickle Maker, Sheffield, & PAUL BOOTH, Joiner, Sheffield (Booth, Brothers). May 14. *Trustees*, A. Chadburn, Optician, Sheffield; J. Green, Shear Grinder, Sheffield; C. Birchall, Accountant, Sheffield. *Sol.* Patteson, 18 Bank-st., Sheffield.

BRIDGEWATER, BASIL, Builder, Breinton, Herefordshire. May 5. *Trustees*, P. N. Edwards, Farmer, Brinsop, Herefordshire; E. J. Lewis, Farmer, Breinton. *Sol.* James, Hereford.

REVELL, WILLIAM, Farmer, Wressel, Yorkshire. May 13. *Trustees*, J. Wade, Woolstapler, Kingston-upon-Hull; R. Meggitt, Painter, Howden, Yorkshire. *Sol.* England, Howden.

ROWORTH, WILLIAM, & FRANCIS HENRY APPLETON, Hosiers, Loughborough, Leicestershire. April 7. *Trustees*, J. D. Gorse, Commission Agent, Nottingham; G. Heafford, Dyer, Loughborough. *Sol.* Inglesant, Loughborough.

STRANGE, EDWARD, Draper, Swindon, Wilts. May 16. *Trustee*, W. Dore, Auctioneer, Swindon. *Sol.* Browne, Swindon.

WOODIN, JOSEPH, & LLOYD JONES, Grocers, 356 Oxford-st. May 13. *Trustees*, W. Smith, Wholesale Tea Merchant, Rood-la.; G. Startin, Sugar Merchant, Fenchurch-st. *Sols.* Warry, Robins, & Burges, 7 New-inn, Strand.

FRIDAY, *May* 29, 1857.

BLACKBURN, THOMAS, ROBERT PARKINSON, & JOHN HARWOOD, Cotton Manufacturers, Sough, Over Darwen, Lancashire. May 15. *Trustee*, T. Lund, Commission Agent, Blackburn. *Sol.* Wilkinson, Blackburn.

BOWDEN, WILLIAM, Sack and Sacking Manufacturer, Queen-st., Castle Precincts, and Bedminster, Bristol. May 11. *Trustees*, E. Price & E. Watts, Rope Manufacturers, Warminster. *Sol.* Nash, Bristol.

CHARLES, ELIZABETH, Shopkeeper, Llanstephan, Carmarthen, Gent. May 18. *Trustees*, R. Davies, Grocer, Carmarthen; D. M. Morgan, Draper, Carmarthen. *Sols.* Morris & Thomas, Quay-st., Carmarthen.

EATON, JOHN HENRY, Cabinetmaker, 39 High-st., Hastings. May 27. *Trustees*, E. Hillman, Gent., Brixton; J. R. Hunter, Timber Merchant, Moorgate-st. *Sols.* Marten, Thomas, & Hollams, Mincing-la.

FRYE, PHILEMON, Grocer, Thaxted, Essex. May 7. *Trustees*, W. White, jun., Warehouseman, 108 Cheapside; D. Chaffer, Wool Merchant, Thaxted. *Sol.* Johnson, Great Dunmow, Essex.

LUCAS, THOMAS, Farmer, Annesley, Nottinghamshire. May 20. *Trustees*, J. Wilson, Farmer, Pleasley, Derbyshire; J. Raynor, Butcher, Mansfield, Nottinghamshire. *Sols.* Bowley & Ashwell, Middle-pavement, Nottingham.

MENDHEIM, MENDEL, General Merchant, Nottingham. May 26. *Trustees*, S. F. Taylor, Hosier, Nottingham; T. Leake, jun., Upholsterer, Nottingham. *Sols.* Bowley & Ashwell, Nottingham.

MITCHELL, JOHN, Plumber, Bradford, Yorkshire. May 19. *Trustee*, W. H. Bowers, Glass and Oil Merchant, Manchester. Indenture lies at offices of Caster & Co., Accountants, 14 St. Ann's-sq., Manchester.

NEIGHBOUR, SOPHIA, Tailor, Windsor, Berks. April 30. *Trustee*, G. Hunt, Woollendraper, 342 Oxford-st. *Sols.* Allen & Sons, 17 Carlisle-st., Soho-sq.

RANKIN, JOHN, Grocer, Epping, Essex. May 22. *Trustees*, G. Hine, Farmer, Epping; E. Winter, Silversmith, Epping. *Sol.* Metcalfe, Epping.

ROBSON, WILLIAM, Builder, Newcastle-upon-Tyne. May 14. *Trustee*, G. Weatherhead, Builder, Newcastle-upon-Tyne. *Sol.* Scaife, Royal-arcade, Newcastle-upon-Tyne.

THOMAS, CHARLES, Manufacturer, Manchester. May 19. *Trustees*, G. Hodgkinson, Quilting Manufacturer, Manchester; W. Wanklyn, jun., Cottonspinner, Bury. Indenture lies at office of J. Halliday, Accountant, 1 Bond-st., Manchester.

THOMAS, THOMAS, Eglwysurw, Pembrokeshire. April 30. *Trustees*, R. Nichols, Merchant, Manchester; T. Jones, Merchant, Manchester. Indenture lies at offices of Caster & Co., Accountants, 14 St. Ann's-sq., Manchester.

## Creditors under Estates in Chancery.

TUESDAY, *May* 26, 1857.

BURCHFIELD, THOMAS (who died on Nov. 5, 1851), Esq., Scalemaker, Church-st., Stoke Newington, and West Smithfield. Creditors to come in and prove their debts on or before June 18, at V. C. Wood's Chambers.

BUTTERWORTH, THOMAS (who died in Oct. 1856), Gent., Farnley, Leeds. Creditors to come in and prove their debts on or before July 2, at V. C. Kindersley's Chambers.

CAMPBELL, JAMES (who died in Jan. 1856), Rope Manufacturer, Red Bank, Manchester. Creditors to come in and prove their debts on or before June 22, at office of District Registrar, 4 Norfolk-st., Manchester.

DEWHURST, JOHN (who died in March, 1841), Farmer, Moss-hall, Lytham, Lancashire. Creditors to come in and prove their debts on or before June 7, at V. C. Wood's Chambers.

SERGESON, JOSEPH (who died in Feb. 1857), Grocer, Liverpool. Creditors to come in and prove their debts on or before June 22, at office of District Registrar, 1 North John-st., Liverpool.

WILLATS, THOMAS (who died in April, 1856), Winchester. Creditors to come in and prove their debts on or before June 22, at Master of the Rolls' Chambers.

FRIDAY, *May* 29, 1857.

ARIES, EDWARD (who died on Nov. 11, 1854), Corn Factor, Amersham, Bucks. Creditors and incumbrancers to come in and prove their debts on or before June 26, at Master of the Rolls' Chambers.

DAVIES, JOHN CHARLES GEORGE (who died in June, 1856), Gent., New Fletton, Huntingdonshire. Creditors to come in and prove their debts on or before June 27, at Master of the Rolls' Chambers.

DAWSON, BENJAMIN (who died in Dec. 1856), Innkeeper, Church-st., Deptford. Creditors to come in and prove their claims on or before June 27, at Master of the Rolls' Chambers.

ELLISON, RICHARD (who died in Nov. 1832), Liverpool. Creditors to come in and prove their debts or claims on or before June 26, at Liverpool District Registrar's Office, 4 Norfolk-st., Manchester.

GREEN, WILLIAM (who died in Feb. 1857), 21 Robinson's-row, Kingsland. Creditors to come in and prove their debts or claims on or before June 26, at Master of the Rolls' Chambers.

HAMILL, JAMES (who died in March, 1845), Hosier, Liverpool. Creditors to come in and prove their debts or claims on or before June 25, at District Registrar's Office, 1 North John-st., Liverpool.

HAYTON, THOMAS (who died in Sept. 1856), Railway Contractor, Kilsby, Northamptonshire, and late of Hampstead. Creditors to come in and prove their claims on or before June 24, at Master of the Rolls' Chambers.

HILL, TOWNLEY (who died in Dec. 1855), Chemist, 60 Leadenhall-st. Creditors to come in and prove their debts on or before June 26, at Master of the Rolls' Chambers.

M'MAHON, ELIZA, formerly of St. Kitts, but now of *Blomfield*-terrace, and not *Bloomfield*-terrace, as advertised in *Gazette* of May 1, which see.

PARKES, MARY ANN (who died in April, 1853), wife of Thomas William Parkes, heretofore Mary Ann Rust, Spinster, formerly of North-ter., Camberwell, Surrey, but late of Cromer, Norfolk. Creditors to come in and prove their debts or claims, on or before June 15, at V. C. Wood's Chambers.

PEARSON, Rev. JAMES (who died in May, 1857), Stoke, Kent. Incumbrancers and creditors to come in and prove their debts or claims on or before June 18, at V. C. Stuart's Chambers.

REDFERN, JOHN (who died in April, 1852), Farmer, Bassett Wood, Tissington, Derby. Creditors to come in and prove their debts on or before July 1, at V. C. Stuart's Chambers.

WOOD, THOMAS (who died in June, 1855) Virginia-ter., Gt. Dover-rd, and Guildhall Justice-room, London, Gent. Creditors to come in and prove their claims on or before June 23, at Master of the Rolls' Chambers.

## Winding-up of Joint Stock Companies.

TUESDAY, *May* 26, 1857.

BASTENNE ASPHALTE OR BITUMEN COMPANY, heretofore called the BASTENNE AND GAUJAC BITUMEN COMPANY.—Master Humphry has adjourned the meeting appointed for May 26 until June 3.

JUSTICE ASSURANCE SOCIETY.—V. C. Kindersley purposes, on June 2, at 3, at his Chambers, to make a call for £5 per share on all the contributories of the Society.

TREVENA MINING COMPANY.—The Master of the Rolls will, on June 4, at 12, at his Chambers, appoint an Official Manager of this Company.

WHEAL HELEN MINING COMPANY.—The Master of the Rolls will, on June 4, at 12, at his Chambers, appoint an Official Manager of this Company.

WRYSGAN SLATE AND SLAB QUARRYING COMPANY.—A petition for the dissolution and winding up of this Company was, on May 21, presented by Matthew Lyon, Gent., of Stafford, and James Lofthouse, Accountant, 20 Princess-st., Manchester, which will be heard before V. C. Kindersley, on June 5.—Wickens, 4 Tokenhouse-yd., Sol. for Petitioners.

FRIDAY, *May* 29, 1857.

NANTLLE VALE SLATE COMPANY.—The Master of the Rolls will, on June 11, at 12, at his chambers, appoint an Official Manager of this Company.

NORTH SHIELDS QUAY COMPANY.—A petition for the dissolution and winding up of this Company was, on May 29, presented by W. Linskill, Esq., Tynemouth-lodge, North Shields, which will be heard before V. C. Wood on June 6. Tucker, Greville, & Tucker, Sols. for Petitioner, 28 St. Swithin's-la., London.

TREVENA MINING COMPANY.—The Master of the Rolls will, on June 4, at 12, at his chambers, appoint an Official Manager of this Company.

WHEAL HELEN MINING COMPANY.—The Master of the Rolls will, on June 4, at 12, at his chambers, appoint an Official Manager of this Company.

## Scotch Sequestrations.

TUESDAY, *May* 26, 1857.

AGNEW, JOHN, Tobacco-pipe Manufacturer, 99 Gallowgate, Glasgow. June 4, at 1, Tontine Hotel, Glasgow. *Seq.* May 22.

CAMPBELL, GEORGE (George Campbell & Co.), Stationer, Leith-st., Edinburgh. June 1, at 1, Stevenson's Sale Rooms, 4 St. Andrew-sq., Edinburgh. *Seq.* May 20.

STOBO, JOHN, Auctioneer, 109 Crown-st., Glasgow, and as one of the firm of John M'Ewan & Co., House Painters, Main-st., Bridgeton, Glasgow, also as F. C. Greig & Co. June 3, at 11, Victoria Hotel, West George-st. Glasgow. *Seq.* May 23.

STUART, JOHN KELLY, Smith and Screw-bolt-maker, Ark-la., Duke-st., Glasgow. June 2, at 1, Graham's London Temperance Hotel, 29 Maxwell-st., Glasgow. *Seq.* May 23.

FRIDAY, *May* 29, 1857.

GREIG, JOHN, Baker, 7 Tolbooth Wynd, Leith. June 5, at 3; Messrs. Dowell's & Lyon's rooms, 18 George-st., Edinburgh. *Seq.* May 27.

FORBES, ALLAN, Flesher, Dunfermline. June 5, at 1; Milne's New-inn, Dunfemline. *Seq.* May 26.

MACBETH, JOHN & SAMUEL MACBETH, Ironmongers, 47 Broad-st. Aberdeen. June 9, at 1; Lemon Tree Tavern, Aberdeen. *Seq.* May 26.

MACCALLUM, NEIL, Drysalter, Glasgow; partner of the firm of Ross & Co., Lithographers. June 5, at 12; Faculty-hall, George-pl., Glasgow. *Seq.* May 25.

WIGHT, WILLIAM, Builder, Kilmarnock. June 3, at 12; George-hotel, Kilmarnock. *Seq.* May 23.